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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DISTRICT

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Kimberly Hill, :

Plaintiff, :

vs. : Case No. 3:17-CV-00334

City of Dayton Police :

Department, et al., :

Defendants.

- - - - -

DEPOSITION OF KIMBERLY ANNETTE HILL

- - - - -

Taken at Walton & Brown, LLP
395 East Broad Street, Ste. 200
Columbus, Ohio 43215
March 26, 2019, 10:15 a.m.

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

Walton & Brown, LLP
395 East Broad Street, Ste. 200
Columbus, Ohio 43215
By Chanda L. Brown, Esq.

ON BEHALF OF THE DEFENDANTS:

City of Dayton, Ohio Department of Law
101 West Third Street
Dayton, Ohio 45401
By Leonard J. Bazalak, Esq.

Tuesday Morning Session

March 26, 2019, 10:15 a.m.

- - - - -

It is stipulated by counsel in attendance that the deposition of Kimberly Annette Hill, the Plaintiff herein, called by the Defendants for cross-examination, may be taken at this time by the notary pursuant to notice and agreement, that said deposition may be reduced to writing in stenotypy by the notary, whose note may thereafter be transcribed out of the presence of the witness; that proof of the official character and qualification of the notary is waived.

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1 KIMBERLY ANNETTE HILL,
2 being first duly sworn, as hereinafter certified,
3 deposes and says as follows:

4 BY MR. BAZELAK:

5 Q. Good morning, Lieutenant Hill.

6 A. Good morning.

7 Q. I'm Len Bazalak. We've met before.

8 A. Right.

9 Q. It's probably been a while.

10 A. Yes, been a while.

11 Q. But I'm in the law department for the
12 City and represent the City in the lawsuit that
13 you filed in federal court. And I'm going to ask
14 you a series of questions today --

15 A. Okay.

16 Q. -- in a deposition. Have you ever
17 given a deposition before?

18 A. Never.

19 Q. Okay. I'm sure you've gone over sort
20 of the ground rules for a deposition with your
21 counsel --

22 A. Yes.

23 Q. -- but just a few reminders. You have
24 to give verbal or audible answers --

25 A. Okay.

1 Q. -- to my questions so our court
2 reporter can take down --

3 A. Right.

4 Q. -- responses. Nods of the head,
5 uh-huhs, huh-uhs, those don't translate on the
6 record.

7 A. Right.

8 Q. So if you can give an audible answer --

9 A. Okay.

10 Q. -- that would be much appreciated,
11 okay?

12 A. Okay.

13 Q. Secondly, if you could let me finish my
14 question before you start to give an answer, and
15 I'll extend the same courtesy to you. I'll try to
16 let you --

17 A. Sure.

18 Q. -- finish your answer before I start
19 the next question. It will make for a much
20 easier --

21 A. Okay.

22 Q. -- translation of the record.

23 A. Got it.

24 Q. All right. If you need to take a break
25 at any time, just let your attorney know. If you

1 don't understand one of my questions, please let
2 me know and I'll try to clarify it for you, okay?

3 A. Okay.

4 Q. All right. Are you on any type
5 of -- well, first of all, let's just start with
6 your full name and give us your professional
7 address.

8 A. Kimberly Annette Hill, 335 West Third
9 Street, Dayton, 45402.

10 Q. Okay. Are you on any type of
11 medications that would impact on your ability to
12 give accurate answers here today?

13 A. No.

14 Q. Okay. I'm going to ask you some
15 background questions. I won't get into too much
16 detail, but just a few personal background
17 questions. Have you ever been married?

18 A. No.

19 Q. Okay. Do you have any children?

20 A. No.

21 Q. Okay. Where were you born?

22 A. In Dayton.

23 Q. Okay. Let's talk about your
24 educational background. Where did you go to high
25 school?

1 A. Patterson Co-op High School. It's not
2 there anymore, but --

3 Q. Okay. What year did you graduate?

4 A. 1977.

5 Q. Okay. And just take us through your
6 educational background after high school.

7 A. I went to Sinclair and graduated there.
8 I went to UD and graduated there. And I did some
9 work -- some graduate studies at Wright State for
10 a couple semesters. And I'm currently attending
11 Liberty University online for a Master's degree.

12 Q. Okay. So Sinclair, did you go to
13 Sinclair right after high school?

14 A. I think I went maybe a year or so
15 after.

16 Q. Okay. So you graduated in 1977 and you
17 think you may have started in Sinclair about 1978
18 or so?

19 A. Somewhere around there. It's been a
20 while.

21 Q. All right. And you said you graduated
22 from there. You got an Associate's degree?

23 A. Right.

24 Q. All right. What was your degree in at
25 Sinclair?

1 A. Liberal arts, Associate's of science
2 and liberal arts.

3 Q. All right. And then did you graduate
4 from Sinclair with an Associate's degree, then,
5 about 1980 or so, is that correct, '81?

6 A. It was in '85 --

7 Q. Okay.

8 A. -- because I did some -- I joined the
9 military in between there and did some training
10 and went through ROTC while I was at Sinclair and
11 at UD.

12 Q. Okay. So when did you join the
13 military?

14 A. In -- I don't remember exactly. I'm
15 thinking -- I went to basic training in '82, I
16 believe, 1982.

17 Q. Okay. So you graduated from Patterson
18 Co-op. Shortly thereafter you started attending
19 classes at Sinclair, and then joined the military
20 during the time that you were taking classes --

21 A. Right.

22 Q. -- at Sinclair?

23 A. The Army National Guard initially.

24 Q. Okay.

25 A. And after I got my commission, I

1 switched over to the Army Reserve in 1985. But in
2 between that time I had jobs. I worked, too,
3 so --

4 Q. Okay. So you were working and then you
5 ultimately got your Associate's in 1985 from
6 Sinclair?

7 A. Right.

8 Q. Okay. And then you said during that
9 time you also started taking classes at UD; is
10 that right?

11 A. Right.

12 Q. When did you start taking classes at
13 UD?

14 A. I don't -- I don't remember exactly,
15 because -- I don't remember exactly. It
16 was -- they overlapped, because I would go to
17 classes at UD and then leave UD and go to a class
18 at Sinclair, so --

19 Q. Okay.

20 A. And it was mostly my ROTC training that
21 I did at UD initially.

22 Q. Okay. What type of classes did you
23 take at UD? I mean, what was your concentration?

24 A. General studies. I did a lot of
25 science. Mostly at Sinclair I did my math and

1 English and chemistry, and then when I went to UD,
2 I just started into just general studies type
3 things, physiology, some more chemistry. Just I
4 had basically a couple different things going on.
5 I liked the arts and the humanities and the
6 sciences, so I put those together and I got my
7 degree in general studies, which is now called
8 interdisciplinary studies.

9 Q. Got you. All right. And so when did
10 you obtain that degree from the University of
11 Dayton?

12 A. I think it was 2006.

13 Q. Okay. So long period of time there.
14 So you anticipate my next question, I'm sure, and
15 that is what took you so long to get your actual
16 degree from UD, from -- you don't recall exactly
17 when you started, but seems like that was a long
18 time.

19 A. UD's expensive.

20 Q. Okay. And you were working at the
21 time, correct?

22 A. And I worked, yes.

23 Q. And I'm going to take you through your
24 work background and your work history as well, but
25 I just kind of want to get your educational

1 background first.

2 So you were not a continuous student,
3 then, from the time you enrolled at UD until 2006?

4 A. No. Part of it was part time. Part of
5 it I would take a semester or two off, because I
6 was paying for it, and I had student loans, too.
7 So it kind of depended on where I was monetarily.

8 Q. Okay. I mean, can you take me through
9 like was there a period of time there where you
10 weren't attending any school and you were just
11 working full time?

12 A. There may have been brief periods when
13 I wasn't taking anything. Usually I had -- always
14 took at least something, because I like to learn.
15 So I was always taking something.

16 Q. Okay. And that was a general studies
17 degree, then, from the University of Dayton, 2006,
18 correct?

19 A. Right.

20 Q. Okay. Tell me about the Wright State
21 study, then.

22 A. I took a couple classes in biochemistry
23 and physiology and just trying to find my niche,
24 what I wanted to do. And that was right after UD.

25 Q. 2007-2008 time frame? And I don't want

1 to --

2 A. Could have been.

3 Q. Okay.

4 A. I'm not sure. I don't want to -- I
5 have the information --

6 Q. Okay.

7 A. -- but it's at home. I would have to
8 look it up.

9 Q. Did you get an actual degree from
10 Wright State?

11 A. No, I didn't. I just took some
12 graduate courses.

13 Q. Okay. All right. And then you said
14 you're currently taking classes at Liberty
15 University. Are those online classes?

16 A. Online, yes.

17 Q. Okay. What are you taking?

18 A. Criminal justice with a concentration
19 in public administration. It's a Master of
20 Science.

21 Q. Okay. And is that the Liberty
22 University that's in Lynchburg, Virginia?

23 A. Yes.

24 Q. Any other formal education? I think
25 you said something about some criminal -- other

1 criminal justice-type classes.

2 A. No.

3 Q. No?

4 A. No criminal justice classes at all till
5 now.

6 Q. Okay. All right. So no other -- we've
7 talked about all the formal education that you've
8 had?

9 A. Uh-huh.

10 Q. All right. That's a yes?

11 A. Yes.

12 Q. Sorry. I'll remind you.

13 A. That's okay.

14 Q. All right. Let's talk about your work
15 history. And I'm also going to go back to some of
16 your military background.

17 After 1977 when you graduated from
18 Patterson Co-op, what was your first employment?

19 A. Oh, gosh. While I was in high school,
20 because Patterson Co-op was a technical school and
21 we worked two weeks and went to school two weeks,
22 I worked at what was then St. Elizabeth Medical
23 Center in the medical records department.

24 And after I graduated, I think my next
25 job was at the Dayco Corporation, which doesn't

1 exist anymore.

2 What else did I do? I worked for Blue
3 Cross and Blue Shield, and I don't remember the
4 years. I don't remember which came first or -- I
5 worked for Montgomery County for a while.

6 Q. How long did you work for the County?

7 A. Maybe a year.

8 Q. You remember approximately when that
9 would have been?

10 A. It was definitely after high school,
11 and I think -- I can't remember. It was for the
12 WIC program.

13 Q. What's that?

14 A. I worked for the Women, Infants and
15 Children.

16 Q. Okay. That's what you did for the
17 County?

18 A. Right. And they had different sites
19 for young mothers who were disadvantaged, and we
20 enrolled them in the program so they could get
21 food for their children, for their babies, and
22 milk and things that they needed.

23 Q. Okay. What did you do for Blue
24 Cross/Blue Shield, office-type job, or --

25 A. I think I just did -- I was a

1 representative there; just gave benefit
2 information.

3 Q. What do you recall next, then?

4 A. I think that was it. I went to school
5 full time at UD, and before I finished, I started
6 working for the police department, and I've been
7 there ever since.

8 Q. Okay. So your military background, you
9 said you started at UD in the Army National Guard;
10 is that right?

11 A. Army ROTC at UD.

12 Q. Army ROTC, yeah.

13 A. And when I got my -- that's when I went
14 to basic training and all that. After I got my
15 commission in '85, which is the same time I got my
16 degree from Sinclair, I switched from the Army
17 National Guard to the Army Reserves as a second
18 lieutenant.

19 Q. Okay. So was that the first kind of
20 law enforcement/military type --

21 A. Yes.

22 Q. -- job that you had was the ROTC --

23 A. Right.

24 Q. -- experience with UD?

25 A. Yes.

1 Q. And you don't recall exactly when that
2 was, the date, year?

3 A. Not when I started, I don't. I got my
4 commission in 1985 --

5 Q. Okay.

6 A. -- so probably two, three years before
7 that, maybe, and I went to basic training in 1982,
8 I believe, so within that two, three-year span.

9 Q. Okay. And then when did you start with
10 the City?

11 A. I went to the Academy in October 1988
12 and I finished March 9th, 1989.

13 Q. All right. And was it after that time,
14 then, that you switched over to the Reserves?

15 A. No. I was already in the Reserves.

16 Q. Already in the Reserves --

17 A. Right.

18 Q. -- at the time that you started with
19 the City?

20 A. Yes. And I can't remember how long I
21 stayed in the Reserves, but my mom got sick and I
22 had to help take care of her. So it was kind of
23 hard to do, to work weekdays and take weekends off
24 to go to drill and take care of my mom. It was
25 kind of hard. So I ended up resigning my

1 commission, and that was maybe in '91 or '92,
2 something like that.

3 Q. Okay. Is your mother still living?

4 A. No. She died in 2000.

5 Q. 2000? What about your father?

6 A. He's still alive.

7 Q. Okay. All right. So have we gone over
8 anything you can recall? And I know there may
9 have been odd jobs here and there that you may
10 have done, but in terms of any significant
11 employment for any extended period of time, a few
12 months or longer, do you recall any other
13 employment other than what we've talked about?

14 A. I think that's it --

15 Q. Okay.

16 A. -- pretty much.

17 Q. All right. And then so you graduated
18 from the Academy March 9th, 1989, with the City of
19 Dayton Police Department, correct?

20 A. Yes.

21 Q. All right. Let's talk about your
22 background, then, within the police department.

23 What was your first assignment with the
24 Department?

25 A. I was assigned to first district on

1 midnights on patrol.

2 Q. Okay. Did you work with somebody at
3 that time?

4 A. I had a training officer.

5 Q. And who was that?

6 A. Carlene Maynes, M-a-y-n-e-s. She's
7 retired now.

8 Q. All right. How long did you train with
9 her?

10 A. I guess probably the standard six
11 months.

12 Q. Your probationary period?

13 A. Right.

14 Q. Okay. And then after your probationary
15 period you became a full police officer at that
16 time, correct?

17 A. Right. Yes.

18 Q. Who was -- this, you say, was the first
19 district at that time?

20 A. Uh-huh.

21 Q. Who were your supervisors initially?

22 A. Oh, gosh. I think -- what was
23 his -- Jeff Nicholson, Sergeant Jeff Nicholson,
24 and he's still retired.

25 Q. Okay. Then how long did you do patrol

1 in the first district?

2 A. At some point I went to second
3 district, because they switched us around, and I
4 went to second district on midnights. And I don't
5 know for how long, maybe, six, eight months or so
6 or maybe a year or so. And then I went to the
7 fifth district on midnights.

8 Q. Do you know approximately how long you
9 were working in the first district, then, once you
10 started there?

11 A. Maybe six months.

12 Q. Okay. And they all would have been
13 working for Sergeant Nicholson?

14 A. Yes.

15 Q. All right. And then went over to the
16 second district. How long were you there?

17 A. Maybe nine months to a year or so.

18 Q. And who was your -- who were your
19 sergeants that supervised you at that point?

20 A. Second district? I don't remember.

21 Q. Okay. And then you went to the fifth
22 district?

23 A. Fifth district.

24 Q. And when did that --

25 A. That was after second district.

1 Q. Okay. So just a few years into your
2 career you were working over at the fifth
3 district, correct?

4 A. Yes.

5 Q. All right. And how long were you in
6 the fifth?

7 A. I don't know. I can't remember. I
8 don't know.

9 Q. It's okay. I mean, if you
10 can't -- can you give me an estimate as to if it's
11 months, years, many years, anything that can help?

12 A. I was there for a while, because I went
13 from midnights to days, and so I was probably
14 there for several years.

15 Q. Okay. You remember who your district
16 supervisors were at that time during the stint at
17 the fifth district?

18 A. Sergeant Maynes was my midnight
19 supervisor, and during the day I think it was Mike
20 Tussing, T-u-s-s-i-n-g, but they're all retired
21 now.

22 Q. Okay. Anybody else you can recall at
23 the fifth?

24 A. No. That's pretty much it. And don't
25 quote me on those. I know Sergeant Maynes was my

1 midnight sergeant and I think Mike Tussing was the
2 day sergeant.

3 Q. Okay. All right. And during that
4 entire time, you were just -- you were having an
5 assignment as a patrol officer?

6 A. Right.

7 Q. Any other assignments during that time,
8 in the second or fifth district for the time that
9 you were there?

10 A. No, I don't think so. But I left for a
11 year or less than a year, like ten months, and
12 that was in -- maybe 2005, I think, and when I
13 came back I went to the third district.

14 Q. Okay. What did you leave for, then?

15 A. I went to -- because I wanted to finish
16 school. So I finished and got my Bachelor's
17 degree.

18 Q. Okay. Did you actually leave the
19 employ of the City?

20 A. Yes.

21 Q. And then --

22 A. And I went full time to --

23 Q. And you were rehired?

24 A. Or whatever it is. You know you can
25 come back and maintain your seniority and

1 everything if you come back within a year, so
2 that's what I did. So I was gone about ten
3 months.

4 Q. Okay.

5 A. I did two semesters full time.

6 Q. So there wasn't any type of break of
7 service in terms of your employment, and you kind
8 of had your job back when you were finished your
9 degree?

10 A. Right. Right.

11 Q. You didn't have to go through
12 everything again?

13 A. No, didn't have to do it again.

14 Q. Didn't have to go through training, the
15 Academy --

16 A. No.

17 Q. -- civil service stuff?

18 A. No.

19 Q. Okay.

20 A. I think they did a background check,
21 just some general stuff --

22 Q. Okay.

23 A. -- but nothing like the Academy
24 training or anything.

25 Q. All right. And you said that was

1 around 2005, and you were then assigned to the
2 third district?

3 A. Right.

4 Q. Okay. Again as a patrol officer?

5 A. Right.

6 Q. And who did you work for there?

7 A. I don't even know. I think Judy
8 Abshire might have been the sergeant then. And
9 there were a couple more, but I can't remember
10 who.

11 Q. How long were you in the third
12 district?

13 A. I was in the third for a while. Wait a
14 minute. I want to say -- you know what? I think
15 I've got some stuff mixed up, because I was
16 promoted to sergeant in '99 --

17 Q. Okay.

18 A. -- so that stuff had to be earlier
19 than --

20 Q. Okay. So you may have been in the
21 third district as a sergeant, then, when you went
22 to --

23 A. No. I was an officer at third
24 district.

25 Q. Oh, okay.

1 A. So all my patrol stuff was before '99.
2 And then I did go to the -- I went to recruiting,
3 too. I did recruiting --

4 Q. Okay.

5 A. -- for a while, and I think that's when
6 I was promoted, because I did recruiting in, oh,
7 March of '89 through January '99.

8 Q. Okay. Did you go from the fifth
9 district as a patrol officer, then, to a
10 recruiting position?

11 A. Oh, no. Wait a minute. I did patrol
12 in all the districts from March '89 to January of
13 '99, and then when I was promoted, I was actually
14 in the recruitment unit. So I had made --

15 Q. Okay. So 1999 you were promoted to a
16 sergeant.

17 A. Right.

18 Q. Okay. And you were then assigned to
19 the recruiting unit?

20 A. No. I was in recruiting as an officer.

21 Q. What does that mean?

22 A. I was assigned to the recruitment unit
23 when I was an officer --

24 Q. Oh, okay.

25 A. -- so that occurred before I was

1 promoted.

2 Q. Okay. What were your tasks and duties
3 and responsibilities in the recruiting unit as an
4 officer?

5 A. We organized and attended recruitment
6 drives and went to churches to try to recruit. We
7 did background investigations and oral review
8 board for the recruits.

9 Q. Okay. What division of the Department
10 was that under?

11 A. You know, I don't know, but I want to
12 say administrative services --

13 Q. Okay.

14 A. -- and --

15 Q. And who did you work for?

16 A. That's what I'm thinking of. It was a
17 male, a white male. Shoot. I can see his face,
18 but I can't think of his name offhand.

19 Q. Okay. If you think of it, just --

20 A. Okay.

21 Q. -- let me know.

22 And then you were promoted to sergeant
23 after you spent time as a patrol officer in the
24 recruiting unit, correct?

25 A. Right.

1 Q. And in order to be promoted sergeant,
2 did you have to go through a process for that,
3 civil service process?

4 A. Yes.

5 Q. And what did that consist of?

6 A. I know it was a written test, and I
7 think at the time we had -- I don't know. It may
8 have just been a written test. And I think we may
9 have had something like an assessment center-type
10 thing for the sergeant's position.

11 Q. When you say, "assessment center-type
12 thing," what are you --

13 A. I think we went through some scenarios
14 and there was a written test, but that's -- I
15 can't remember.

16 Q. So that was, to your
17 recollection - this is back a long time ago - in
18 the late Nineties, early 2000 time period?

19 A. Right.

20 Q. There was a civil service process to
21 promote people into the sergeant rank, which
22 consisted of not only a written test that civil
23 service administered, but also an assessment-type
24 exercise that consisted of some type of scenarios
25 that you had to address?

1 A. I think there may have been, but I'm
2 not really sure. But when we took -- I took a
3 couple lieutenant's exams, and one of them had an
4 assessment center with it --

5 Q. Okay.

6 A. -- definitely.

7 Q. Do you remember how well -- how you did
8 on the sergeant's test, promotional exam back
9 then?

10 A. I was No. 6.

11 Q. Okay. And were you promoted after that
12 task?

13 A. Yes.

14 Q. The first time?

15 A. I was in the first round of promotions.

16 Q. So they took at least six sergeants
17 from that round of testing?

18 A. Yes.

19 Q. And I bet you don't recall, because you
20 can't really recall in too much detail whether
21 there was some assessment exercise, but you don't
22 recall how you would have done on that or if there
23 was a particular grade?

24 A. I might just be thinking of the
25 lieutenant's assessment center, because we had one

1 for the lieutenant's exam. I think it was
2 in -- the one I took in 2003.

3 Q. Okay. All right. So what were you
4 assigned to do once you were promoted to sergeant?

5 A. I went to the east patrol division and
6 I had an evening squad there.

7 Q. All right. And just kind of briefly
8 describe for me the different duties and
9 responsibilities now that you were promoted to
10 sergeant from a police officer/patrol officer.
11 And I know you were in the recruiting unit, so
12 those were different than your typical patrol
13 duties, but take me through what the duties and
14 responsibilities were as a sergeant.

15 A. Primarily to hold roll call and make
16 sure that your people were there, that they had
17 the proper equipment, and when they didn't have to
18 do firearms make sure they were signed up for any
19 type of training in firearms and to respond to
20 calls for service.

21 Certain calls demanded that a
22 supervisor respond, and of course you had to
23 respond to those, or if a citizen requested a
24 supervisor, then we'd respond to those; pretty
25 basic things. And I think my -- I had my eight to

1 ten people on my squad, and I think that's pretty
2 typical for most squads.

3 Q. But you in that capacity supervised
4 officers that were under your supervision?

5 A. Right.

6 Q. Had to fill out reports, things like
7 that --

8 A. Right.

9 Q. -- regarding any type of incidents that
10 they may have?

11 A. Exactly. Yes.

12 Q. And that was, again, in, what, east
13 patrol?

14 A. That was east patrol.

15 Q. All right. So we switched here, around
16 that time frame, right, because it was now called
17 east patrol. Did that used to be third district,
18 sort of?

19 A. It used to be second district.

20 Q. Second district?

21 A. Right.

22 Q. And you had worked in all the districts
23 at that point, or you had just been in first?

24 A. I had worked all of them except
25 downtown.

1 Q. Okay.

2 A. I didn't go to downtown until I became
3 a sergeant.

4 Q. All right. And just kind of take us
5 through the geographic areas back then. The first
6 district was where?

7 A. That was north Dayton.

8 Q. Okay. And then the second?

9 A. The second district is south Dayton,
10 southeast Dayton.

11 Q. All right. Fifth west?

12 A. Is northwest.

13 Q. Northwest?

14 A. And third was southwest.

15 Q. Southwest? All right. And then it
16 became kind of divided into actual geographic
17 locations like east patrol, west patrol, things
18 like that?

19 A. Essentially they combined first and
20 second districts into the east patrol division and
21 third and fifth districts into the west patrol
22 division. So we ended up with divisions as
23 opposed to districts.

24 Q. And you still had a downtown --

25 A. Right --

1 Q. -- patrol?

2 A. -- still had downtown.

3 Q. Okay. Then how long were you a
4 sergeant in the east patrol, then?

5 A. For about ten months, I think. Let me
6 see. Eleven months.

7 Q. And who was your direct supervisor when
8 you were a sergeant in east patrol?

9 A. I'm thinking it was Pat Welsh who was
10 the lieutenant there, but he's since retired.

11 Q. What shift were you working back then,
12 do you remember?

13 A. We had eight shifts. Back then I
14 worked 8 P to 6 A.

15 Q. Okay. All right. How long were you a
16 sergeant, then, in east patrol?

17 A. At that time for eleven months.

18 Q. All right. And then what did you do?

19 A. Then I became an administrative aide
20 for a major who was over the community
21 policing/field services division, or blue zone,
22 because back then we had blue zone and green zone
23 and a major was over each one. And so I became
24 the aide for the blue zone major.

25 Q. Which major? Who was that major?

1 A. Jarush Jefferson.

2 Q. Okay. And how long were you -- did you
3 serve in that role?

4 A. To July 2000.

5 Q. And then where did you go?

6 A. Then she retired and went to the
7 airport. Then I went back to east patrol, or back
8 to second district.

9 Q. Okay.

10 A. And that was July of 2000, and I was
11 there until June of 2002.

12 Q. Working for what lieutenant, if you can
13 recall?

14 A. I think it was Chabali, I believe.

15 Q. Okay. Then in 2002?

16 A. I became the administrative aide for
17 the patrol division major. And by this time they
18 combined the blue zone and the green zone into one
19 division again. So I was the aide for the patrol
20 division major.

21 Q. And who was that major?

22 A. Kenton Rainey.

23 Q. Raney, R-a-n-e-y?

24 A. R-a-i-n-e-y.

25 Q. All right. And how long were you

1 there?

2 A. Till December 2003. Actually I think
3 that should be January 2004.

4 Q. Okay. What did you do as an
5 administrative aide?

6 A. Oh, gosh; handled all the day-to-day
7 things, operations of the patrol division; the
8 major's office, which included revealing
9 investigations and reports; handling the mail;
10 scheduling meetings.

11 Q. Okay. And then in January 2004, did
12 you take another assignment?

13 A. I did. I went to -- that's when I went
14 to central patrol division --

15 Q. Okay.

16 A. -- and I took over the traffic unit
17 there.

18 Q. What do you mean you took it over? You
19 were --

20 A. I was assigned --

21 Q. -- the sergeant in charge?

22 A. -- as the sergeant in charge.

23 Q. Sergeant in charge --

24 A. Yeah.

25 Q. -- of the traffic unit in the

1 central patrol district?

2 A. Right.

3 Q. Is that downtown?

4 A. Right.

5 Q. Who was your direct supervisor there?

6 A. I want to say Matt Carper, but I'm not
7 sure. I think there might have been somebody
8 there before him, or could have been him.

9 Q. Okay. And how long were you there?

10 A. Till November -- oh, after -- at some
11 point I had to -- somebody retired or something,
12 one of the sergeants retired and I had to take
13 over the three-to-eleven shift.

14 Q. Okay.

15 A. Because a sergeant retired, and then I
16 went to the day shift in central.

17 Q. Okay. And as I recall, if you change
18 shifts you have a different supervisor, because
19 there's a day commander and a night commander. Is
20 that how it worked, like a lieutenant that
21 you -- different lieutenant you worked for?

22 A. I think that's how we do it now.

23 Q. Okay. Back then --

24 A. We still had --

25 Q. -- a different --

1 A. -- night then, but each district didn't
2 have its own like we have now, so --

3 Q. So who would you -- you believe you
4 still would have worked for Matt Carper --

5 A. Probably.

6 Q. -- at that time?

7 A. Yes.

8 Q. Okay. And then how long did you serve
9 as three-to-eleven shift?

10 A. I was in that division until November
11 of 2010 when I was promoted to lieutenant. I have
12 a much better memory from that point on.

13 Q. I'm sorry. I missed that. So say that
14 again, then?

15 A. From January 2004 to November 2010, I
16 was -- that was downtown.

17 Q. Okay.

18 A. And then in 2010 I was promoted to
19 lieutenant, November 2010.

20 Q. Okay. Did you work for Matt Carper,
21 then, for that whole time, 2004 to 2010 time
22 period? Were you the lieutenant over --

23 A. I remember him being there, but I don't
24 remember if there was anybody before him. I think
25 he may have been the only one there. I can't

1 remember.

2 Q. Okay. And then you were promoted to
3 lieutenant in 2010?

4 A. Right.

5 Q. All right. Well, let's take a break at
6 2010, and we'll move forward. But up until 2010,
7 did you make any type of complaints of
8 discriminatory treatment that you believed you had
9 received in the department?

10 A. No.

11 Q. And I take it you got along with all
12 the people that you worked with, whether you were
13 working alongside them or whether they were your
14 subordinates or superiors up until 2010?

15 A. I did. I had a couple little
16 skirmishes when I was promoted to sergeant, but
17 they just -- they worked themselves out, so
18 nothing really major.

19 Q. Okay. And then the promotion to
20 lieutenant, tell me about that process. What did
21 that consist of?

22 A. A written test.

23 Q. And this was, again, a civil service
24 position?

25 A. Yes.

1 Q. So you have to go through the civil
2 service process, application --

3 A. Right.

4 Q. -- written test, approval by the civil
5 service board in order to be hired, correct?

6 A. Right. Right.

7 Q. Background check, everything that they
8 do?

9 A. I'm assuming.

10 Q. For the civil service you were an
11 employee, so I don't know if they did a background
12 check for that, but the whole civil service
13 process applied to the lieutenant position.

14 A. Right.

15 Q. All right. And you took a promotional
16 exam for lieutenant. Do you remember what you
17 scored on that?

18 A. I think I scored a -- no. I'm not
19 sure. It was like the low seventies, 71 point
20 something, or 70 something or something.

21 Q. Do you remember how many positions were
22 open for lieutenant back then in 2010?

23 A. I don't remember, but there were three
24 of us on the list, and -- I think there were like
25 20 people that took the test, but only three of us

1 passed.

2 Q. What was a passing grade?

3 A. 70.

4 Q. Who were the three that passed the
5 test?

6 A. Dave Wolford, Chris Williams, and me.

7 Q. Okay. And what's your understanding,
8 then, in terms of in the civil service process the
9 significance of passing the test? You're not
10 automatically put into -- promoted into a
11 lieutenant position simply because you passed the
12 test, are you?

13 A. No. There has to be an opening.

14 Q. Has to be a vacancy --

15 A. Right.

16 Q. -- for the lieutenant position, and
17 were there -- how many vacancies back in 2010 were
18 there?

19 A. Gosh I don't know. But something
20 apparently came open because Chris Williams was on
21 the previous lieutenants list, and he was promoted
22 from that list, so that bumped me up to No. 2, to
23 the No. 2 slot.

24 Q. Okay. So you were not promoted
25 immediately after taking that lieutenant

1 promotional exam?

2 A. No.

3 Q. When were you actually promoted? When
4 did you take the test and when were you promoted?

5 A. I think the test may have been - let me
6 see - maybe 2008 --

7 Q. Okay.

8 A. -- sometime in 2008, I think. I'm not
9 sure.

10 Q. All right. And then was -- is it Rick
11 Wolford?

12 A. Dave Wolford.

13 Q. Dave. Sorry. It's my handwriting.
14 It's horrible. Dave Wolford?

15 A. Right, W-o-l-f-o-r-d.

16 Q. Dave Wolford, was he promoted to
17 lieutenant off that list?

18 A. Yes.

19 Q. Initially?

20 A. No. We were both promoted at the same
21 time.

22 Q. Okay. Can you take the test -- when
23 can you take the test? Whenever it's offered? I
24 mean, but when do they offer the test, you know?
25 I mean --

1 A. Well, the lists typically expired every
2 two years, so they were good for two years.

3 Q. All right. So when the department
4 anticipates a need to fill a position like
5 sergeant or lieutenant, then they'll offer the
6 test, and then they'll have a list of qualified
7 candidates that they can promote from that list?

8 A. Yes.

9 Q. And the list stays open for two years
10 and then it expires?

11 A. Yes.

12 Q. And then you'd have to take a new test?

13 A. Right.

14 Q. Okay. And that's how it worked for
15 sergeants and lieutenants, correct?

16 A. Yes.

17 Q. But not majors?

18 A. Majors are appointed positions, so I
19 don't think they go through civil service. I
20 don't think they do.

21 Q. All right. Okay. So when was
22 your -- what was your first assignment when you
23 were ultimately promoted to lieutenant?

24 A. I was the east patrol night watch
25 commander for about three months.

1 Q. Okay. And who did you report to?

2 Would have been a major at that time?

3 A. Yes. And I don't know who the major
4 was. I can't remember who the major was.

5 Q. Just curious: Going back to your
6 position as an administrative aide kind of working
7 in the major's office, at that time were you
8 directly reporting to a major and not --

9 A. Yes.

10 Q. Okay. So it wasn't -- you weren't
11 reporting to a separate sergeant or lieutenant?

12 A. No.

13 Q. You just worked for the major, correct?

14 A. Right.

15 Q. But here the next up in rank from
16 lieutenant is major, correct?

17 A. Right.

18 Q. So you would have reported to a major
19 who would have overseen and supervised your
20 assignments, correct?

21 A. Yes.

22 Q. But you don't recall who that was?

23 A. I don't. There was a lot of movement
24 during that time. There were a lot of promotions,
25 a lot of movement around, and I can't remember.

1 Q. Who did you work with, then, in terms
2 of kind of the same level as lieutenants or
3 sergeants? Who --

4 A. There was another watch commander --

5 Q. Okay.

6 A. -- and he kind of showed me the ropes,
7 told me what to do, because it was kind of weird
8 because I was used to having a group of people
9 that reported to me and I held roll call, and as a
10 watch commander you don't do any of that.

11 So one of the -- Lieutenant Bardun,
12 John Bardun.

13 Q. John Bardun?

14 A. Yes; kind of took me under his wing and
15 showed me around. And we went and did -- attended
16 roll calls and responded to critical incidents and
17 things, so --

18 Q. And he would have been the lieutenant
19 that -- he was there as a lieutenant when you came
20 in as a lieutenant?

21 A. Right. Right.

22 Q. And how long had he been there as a
23 lieutenant?

24 A. Oh, gosh. He had been there a while.

25 Q. In east patrol?

1 A. I think he was downtown.

2 Q. Downtown?

3 A. I think he was, so -- but actually I
4 think at the time Bailey had -- they weren't
5 really assigned, except we may have only had one
6 or two watch commanders at the time. We didn't
7 have them like we have them now.

8 Q. Okay. John Bardun, is he a white male?

9 A. Yes.

10 Q. All right. And I take it, then, you
11 appreciated the fact --

12 A. Oh, yeah.

13 Q. -- that he kind of showed you the ropes
14 in terms of different responsibilities --

15 A. Definitely.

16 Q. -- you weren't used to, correct?

17 A. Exactly.

18 Q. And anybody else you can recall working
19 kind of closely with and from when you were first
20 appointed lieutenant in 2010 in the east patrol?

21 A. No. It was just him.

22 Q. Okay.

23 A. And after a few months then I went to
24 west patrol as the night watch commander. I think
25 that was in February, maybe, or March.

1 Q. That would have been --

2 A. February.

3 Q. -- 2011?

4 A. Yes.

5 Q. Okay. Who did you work with? And when
6 I ask you, "who did you work with," if you could
7 just tell me if you had other lieutenants that you
8 closely worked with or sergeants that reported to
9 you, reported to you that you recall working --
10 overseeing or supervising or the major that you
11 would have reported to during that time at west
12 patrol.

13 A. I'm sure I did. I don't know who it
14 would have been.

15 Q. Okay.

16 A. I can't remember.

17 Q. Was lieutenant Bardun still involved at
18 that time kind of as a --

19 A. I would just --

20 Q. -- colleague?

21 A. Oh, yeah. I would just call him if I
22 needed something or had a question about
23 something.

24 Q. Okay.

25 A. Because I didn't stay with him long.

1 We just -- he was just there. He just --

2 Q. Okay.

3 A. But I don't remember who the major was.
4 I don't remember who the major was in west patrol
5 until I went to the day watch commander in west
6 patrol, and that was in -- when did I go there?
7 September of 2011. And Pat Welsh was the major
8 then.

9 Q. Okay. How long, then, were you in west
10 patrol?

11 A. As the day watch commander?

12 Q. As day watch commander.

13 A. Until January 2013.

14 Q. Okay. Any issues that you can recall
15 coming up where you felt like you were being
16 treated unfairly or treated in a discriminatory
17 manner in any way based upon your race or gender
18 up until January 2013?

19 A. I loved Lieutenant Welsh.

20 Q. Okay.

21 A. If he was still here, I'd probably
22 still be working for him, hopefully.

23 Q. Okay. So no problems with him?

24 A. None. None.

25 Q. Okay.

1 A. He was -- he was excellent until Carper
2 came, and that's when my problems started.

3 Q. When did Carper go to west patrol? He
4 was a major then in west patrol?

5 A. He was promoted to the major after
6 Major Welsh retired --

7 Q. Okay.

8 A. -- and he was promoted in 2012. I
9 don't remember exactly when in 2012. And he was
10 okay for the first few months, because I had
11 worked for him in central.

12 Q. Right. We had talked about that. For
13 kind of a long period of time you had worked for
14 now lieutenant colonel Carper.

15 A. Right. And I work for him now, too, as
16 a lieutenant colonel.

17 Q. So no problems with him for all that
18 time in central, correct?

19 A. No.

20 Q. And then he was put in charge as a
21 major over the west patrol night shift?

22 A. No. He was over the whole division.

23 Q. Over the whole division?

24 A. The whole division, yes.

25 Q. Okay. So you would have directly

1 reported to him, then --

2 A. Right.

3 Q. -- as you were the lieutenant?

4 A. Right.

5 Q. Night shift, correct?

6 A. I was day shift by then.

7 Q. Day shift by then, or the night shift
8 before that on west patrol?

9 A. Right.

10 Q. All right. So when did that occur,
11 then?

12 A. What?

13 Q. Carper coming over.

14 A. Whenever he was promoted. I think it
15 was May of 2012, I think.

16 Q. Okay. And tell me -- tell me what type
17 of issues you had with --

18 A. Well, we started out okay because I had
19 worked for him before and I had liked him and I
20 thought he liked me. But then I started noticing
21 little things, when, oh, Wendy Stiver came over to
22 be the night watch commander, and I think the two
23 of them got together and -- because she did things
24 but, you know, they were things that weren't -- at
25 the time I didn't put things together, but where

1 today I understand exactly what was happening.

2 I also went to training in September of
3 2012, and that's when, you know, things started
4 happening.

5 Q. Okay. What things?

6 A. Well, he would give me an assignment,
7 but -- or send it -- for example, he would send an
8 e-mail. It would be for me, but he would put
9 other people there. He would always put my name
10 last. And I know it seems petty, but I couldn't
11 figure out if it was for me why wasn't my name
12 first.

13 Q. You mean like an e-mail --

14 A. On an e-mail.

15 Q. -- distribution to who it's going to?

16 A. I couldn't understand that. But it
17 would be something for me to do.

18 Q. Do you recall any examples of that --

19 A. No.

20 Q. -- like the subjects?

21 A. I don't, and I'll tell you why.

22 Because I didn't know that I would ever need it,
23 so I didn't keep it. I didn't keep it. But they
24 were just things that made me uncomfortable, but
25 because I had a good relationship with him, I just

1 kind of blew it off and just gave him the benefit
2 of the doubt.

3 Q. All right. And just so I'm clear, just
4 tell me like in general the circumstance. So it
5 would be an e-mail regarding a particular subject,
6 and who would the e-mail be going to? Who's the
7 recipient of the e-mail?

8 A. It would be me, Wendy, and maybe a
9 sergeant or two or something. I don't know. I
10 can't remember specifically. But he would do that
11 sometimes, and not all the time. And that's what
12 threw me off, that sometimes he would, which is
13 why I gave him the benefit of the doubt.

14 Q. Would he send it to all of you?

15 A. Yes.

16 Q. Okay. It wasn't like a cc just to you
17 and --

18 A. No.

19 Q. -- sent to them? It was sent to all of
20 them --

21 A. It was something that I --

22 Q. -- but you were always last?

23 A. But it was something that he needed me
24 to do. But I'm thinking why not just send it to
25 me. Or -- I don't care if the other people know,

1 but why not -- or put my name first since it's
2 something you want me to do. So it was just
3 something that I kind of noticed and got under my
4 skin a little bit, but --

5 Q. Anything else?

6 A. I had a decent history with him, so I
7 didn't really pay attention to it.

8 Q. Any other issues, then, problems, any
9 other type of treatment that you took issue with
10 or felt like was discriminatory or created a
11 hostile work environment for you back then?

12 A. Yes.

13 Q. Okay. And this is -- you were put in
14 the PSB position, professional standards bureau,
15 in 2014, I recall.

16 A. '13.

17 Q. '13? Okay. So the time period I'm
18 talking about -- because we'll get to that time
19 frame, but the time period I'm talking about is
20 before you were put in PSB.

21 A. Right.

22 Q. And the people that you were working
23 for and with and supervising at that time, I'm
24 just trying to go through any type of problems
25 that you had, events that occurred that you found

1 offensive.

2 A. Well, this is what I believe happened,
3 looking back on it, that Carper and Stiver somehow
4 got together and wanted me out. And they created
5 confusion and dissension within the detectives.
6 They were confused as to who they were to report
7 to because Stiver was always meddling in the
8 detectives, with the detectives when she was a
9 night watch commander and never saw the
10 detectives --

11 Q. What are you -- okay.

12 A. -- and it was confusing. So, anyway,
13 we ended up going out to -- it was a mess. It was
14 a mess. They were -- they were kind of fighting
15 each other and then Wendy was putting her two
16 cents in.

17 And so Carper ended up taking us all
18 out for pizza so we could just talk and get things
19 aired out away from the building, which I thought
20 was a great idea until one of them raised their
21 hand and said who do we actually report to? Do we
22 report to you or do we report to
23 Lieutenant Stiver? And she jumped in and said
24 something about well, it doesn't matter. You just
25 report to, you know, whoever.

1 Well, you can't do that, because her
2 responsibility was as the night watch commander
3 and she never had any dealings with the
4 detectives, but she would always come in and
5 meddle and get into things.

6 And another thing that really ticked me
7 off about her, too, is I kept cameras and
8 equipment and things in my closet in my office,
9 and she went in to get something one day -- and
10 I'm very neat. I like to have things in order.
11 And she went and got something, I can't remember
12 what it was, for a camera, and just messed my
13 closet all up, which wasn't necessary. That did
14 tick me off, because that wasn't necessary. Just
15 get whatever it is you need, I don't care, but
16 leave my stuff like it was. And she would always
17 park in my park space if I wasn't there.

18 But initially I took it that
19 maybe -- because she was young and she didn't
20 really, you know, that's just how she was, and
21 once again, I gave her the benefit of the doubt.
22 But, like I said, looking back on things now and
23 knowing what role they played when I went to
24 central investigations and PSB ultimately, I see
25 how those -- back in the west patrol division,

1 that's when those things started, and it was just
2 a continuation in the central investigations and
3 PSB.

4 Q. All right. Do you have any evidence of
5 Carper and Stiver you said kind of getting
6 together and creating dissension and confusion I
7 think is the words you used? Do you have any
8 evidence of that, that they did -- and I think
9 what you said is to ultimately try to get rid of
10 you in the division.

11 A. Or to make things difficult --

12 Q. Yeah.

13 A. -- so I couldn't do my job because -- I
14 was coming off a huge success in the west patrol
15 division because the two lieutenants who were
16 there before, Chabali was a detective at the time
17 and he was in third district. Wilhelm was the
18 lieutenant in the fifth district. Well, they were
19 tasked with bringing the two districts together
20 into one so that we would have one west patrol
21 operations division, and they weren't able to do
22 it. These are two seasoned, white male
23 lieutenants who weren't able to do that, and this
24 was from the Chief.

25 Well, here I came in and I'm a new

1 lieutenant and I was able to do it and still
2 continue with no lapse in service or anything.
3 And so I think that was -- that may be something
4 that they -- since Chabali and Carper are such
5 good friends, I think there was some talk or
6 whatever.

7 And no, I don't have proof of that. I
8 only know what happened to me. I know what I
9 feel. And I don't have anything in writing. Even
10 if there had been something in writing, I probably
11 wouldn't have kept it. Because I never dreamed
12 that I would be sitting here today. I didn't -- I
13 don't have anything that's tangible.

14 Q. Yeah. And I just want to give you a
15 fair opportunity here today to kind of go through
16 any events that you're aware of or incidents or
17 actions taken against you throughout your career
18 that you consider to be -- to have created a
19 hostile work environment for you.

20 And you've told us about this time
21 period with west patrol, and I just want to kind
22 of rehash it. But you said that you believe
23 Carper and Stiver kind of got together and had a
24 plan to make it difficult for you.

25 A. I do.

1 Q. Okay. But you don't have any direct
2 evidence or proof of that, correct?

3 A. Only what I felt --

4 Q. Okay.

5 A. -- because there was no confusion when
6 Major Welsh and I were there.

7 Q. Okay. And what was the confusion?
8 Again, is this the pizza event that you're talking
9 about where people were asking who they should
10 report to? Is that the confusion that you're
11 referring to, or --

12 A. Well, that's the outcome.

13 Q. Okay.

14 A. That's what happened in the outcome.

15 Q. And I'm still not clear on that. What
16 did you take issue with regard to that
17 conversation at the lunch where there was an
18 airing-out session?

19 A. Well, with the fact that she made
20 reference to who you come to, whether it be me or
21 her. And those are not her words, but that's what
22 she meant, which is not true. I worked in the
23 day. They worked the same hours I worked. She
24 was the night commander. She should have been
25 working at night, so --

1 Q. Okay. All right. And then you
2 mentioned sometimes that she'd park in your
3 parking space and that also she messed up your
4 closet one time, correct?

5 A. Uh-huh. I caught her in my office
6 sitting in my chair. And I didn't like that,
7 because I like boundaries.

8 Q. Do you have any evidence that
9 Wendy -- who's a white female, correct?

10 A. Yes.

11 Q. That she was doing any of this based
12 upon the fact that you're female?

13 A. I think it was a competition, because I
14 was -- I was senior to her. And she's a
15 manipulator, and if -- and everybody knows this.
16 I'm not telling you something that I wouldn't say
17 to her or that you wouldn't get from other people,
18 you know. She does what she needs to do for
19 herself, and everybody knows, common knowledge.
20 And who better to get rid of the black girl than
21 the white male major and the white female
22 lieutenant who has less seniority than the black
23 one.

24 You're there. You know when you're
25 loved. You know when you're hated. Nobody has to

1 come and tell me that, because you get different
2 responses from both of those different things.
3 Just because something isn't something you
4 see -- we don't see the wind, but we see evidence
5 of it. Same thing with gravity, you can't see
6 gravity, but if I stood on the table and got to
7 the end of it, if I took another step, I would
8 fall. I wouldn't continue to go in a horizontal
9 position.

10 So you know when things are a mess.
11 You feel it very clear. Now, it is for me
12 because, being African-American, I deal with daily
13 microaggression, so when those microaggressions
14 occur, you know them. Now you being white,
15 obviously you wouldn't understand that, because
16 you've never felt that. But we do.

17 Q. Okay. Well, I'm just trying to get
18 anything that you can tell me about Wendy Stiver
19 or Carper during this time period that you feel
20 they did to you, took some type of action against
21 you, adverse action against you, that you feel was
22 based upon your gender or race.

23 A. Yeah. I feel that they felt that they
24 were entitled. They have a sense of entitlement.
25 This is what I can do, so I'm going to do it.

1 Q. And what is that based upon, that
2 feeling?

3 A. Being white, that we're entitled
4 because we're white.

5 Q. Okay.

6 A. So we can do what we want to do,
7 because everybody knows that we're just two-fifths
8 of a person anyway. We're not real people. And
9 that's what they do is dehumanize you.

10 Q. Have you ever heard those two
11 individuals make any type of racial or sexist-type
12 comments?

13 A. No, and you would never -- they would
14 never do that. They would never do that. They're
15 too sophisticated. Because things are covert now.
16 They would never call me a nigger, not to my face.
17 Now, they might do it at their own parties or
18 something where there's only them, but of course I
19 wouldn't hear that. But I know by the way you
20 treat me.

21 Q. Okay. And that's what I'm getting at,
22 the treatment. So have you told us everything
23 during that time frame that you took issue with
24 regarding Wendy Stiver's interactions with you,
25 Carper's interactions with you during that time

1 period that you feel was discriminatory or created
2 some type of hostile environment for you?

3 A. Yes.

4 Q. What else? Oh, you have told us
5 everything?

6 A. Yeah, but I can tell you that I was
7 happy when I found out I was going to go to the
8 central investigations bureau and I was going to
9 be away from Carper and Stiver. I was elated,
10 because then I could breathe again. I wouldn't
11 have to fight or worry about all these little
12 things that were happening that made me
13 uncomfortable.

14 Q. What was your previous experience with
15 Wendy Stiver before that time period?

16 A. We were friends.

17 Q. Okay.

18 A. I had always gotten along with her, and
19 we would eat together and talk and talk on the
20 phone and -- we were friendly when we were both
21 watch commanders. We would meet in between the
22 east and west and just talk and, you know, she
23 would come over because we had more shootings on
24 the west side than they did on the east side, and
25 she would come over and, you know, we were

1 friends.

2 Q. Okay. Up until -- that ultimately you
3 went to PSB, but before that you went to central
4 investigations, correct?

5 A. Right.

6 Q. So before you went to central
7 investigations, with regard to any type of feeling
8 that you had with Carper or Stiver, did you make
9 any complaints to any of your superiors about
10 that?

11 A. No.

12 Q. And who would have been your superior
13 at that point?

14 A. Carper.

15 Q. Well, who would have been above Carper?

16 A. I think at the time it was maybe Mark
17 Hess, I want to say.

18 Q. Okay. So you said that -- you started
19 talking about you were glad to get the assignment
20 in the central investigations unit, correct?

21 A. Right.

22 Q. All right. How did that come about?

23 A. According to Carper, Major Williams
24 requested me, because he was -- he was a new major
25 and he was assigned to the

1 investigations -- administrative services bureau,
2 and I think he was changing -- I think there was a
3 lieutenant who wanted to leave, because he was
4 about to retire, and he wanted to go back to the
5 street. So he needed a lieutenant, and he
6 requested me is what Carper told me. So I was
7 glad, because I could start new. So I looked
8 forward to doing that.

9 Q. Okay. That was a lateral move?

10 A. Yes.

11 Q. Okay. And still maintained your rank
12 as a lieutenant?

13 A. Right.

14 Q. Just a different assignment, right?

15 A. Right.

16 Q. But you were working for a different
17 person at that time, and that would have been
18 Major Williams?

19 A. Right.

20 Q. And briefly your duties and
21 responsibilities in that position?

22 A. Oh, under central investigations was
23 the homicide and the assault squad, the special
24 victims unit, crime stoppers, the crime scene
25 investigators. So I had all them and sergeants

1 that were assigned there.

2 And I liked Major Williams initially,
3 but then he started to leave me out of meetings,
4 and one meeting in particular. And, once again, I
5 never thought I would be here, so I just thought
6 that he just forgot about me inadvertently.

7 But then I was taken aback a couple
8 times when he came in my office and said Kim, they
9 tell me that you're just not all that bright.
10 Just out of the blue he would say that. And he
11 said it three times, and after that third time,
12 you know, I just stopped and looked at him. They
13 were on different days. They weren't in all of
14 the same day. And I told him, you know, Major, my
15 mom always said never underestimate anybody. And
16 he never said it again.

17 Q. When he said that -- more than one
18 occasion he said it to you?

19 A. He said it three times.

20 Q. When was the first time he said it to
21 you?

22 A. I don't know. I had been there maybe a
23 couple months. I went in January 2013, so maybe
24 around February or March, and then maybe a week or
25 so later he said it again, and a couple weeks

1 later he said it again.

2 Q. Did you make any complaint to anybody
3 about those statements?

4 A. No. But, once again, I never, you
5 know -- it stopped, and I just thought it was just
6 an isolated incident, and --

7 Q. So it was to the extent that you said
8 something to him and it stopped, correct?

9 A. Right. So --

10 Q. Did he make any type of racial or
11 sexist-type of -- use any type of racial or
12 sexist-type language?

13 A. They don't do that, Mr. Bazelak. They
14 don't say -- they don't do that.

15 Q. That's fine. But the answer to that is
16 no, correct?

17 A. No. That's correct.

18 Q. Anything else with regard to
19 Major Williams other than those statements that
20 you took issue with during your time in the
21 special -- central investigations unit?

22 A. No, but I could feel that I was not
23 comfortable with him and I was glad to leave
24 there. And that's when I went to professional
25 standards was in September of 2013. So I was glad

1 to be away from him.

2 Q. Okay. And then how did that come
3 about, you getting transferred over into the
4 professional standards bureau?

5 A. There was a lot of movement, again,
6 because there had been promotions, and by this
7 timing Chabali had been a major and then I think
8 he was going to deputy chief, and so there was a
9 lot of promotions and movements. So -- and they
10 hadn't had a commander in professional standards
11 for about 16 months, and they decided to -- why, I
12 don't know. Then they decided to fill it. So --

13 Q. And had you before 2013 had any
14 experience in performing the roles of a
15 professional standards bureau commander?

16 A. No, just other than what I did as a
17 lieutenant in -- because we all had some basic
18 duties that are -- that are common for a
19 lieutenant. But the one advantage I had is that I
20 had two assignments as an administrative aide, and
21 that gave me access to -- I had to review all
22 types of investigations and things. So -- and
23 then there was a previous professional standards
24 commander, Jerry Smith, who was married to Wanda
25 Smith. He came over to assist sometimes, because

1 we had such a high volume of investigations when I
2 was in the patrol aide, and he came to assist with
3 getting some of those done and he taught me how to
4 look for things.

5 Q. But for 16 months there was no
6 commander in the PSB, which is sort of like called
7 what people refer to -- used to refer to as
8 internal affairs --

9 A. Right.

10 Q. -- is that fair?

11 A. Right.

12 Q. So professional standards bureau,
13 they're kind of investigating officers'
14 misconduct?

15 A. Right.

16 Q. Either through citizen complaints or --

17 A. Right.

18 Q. -- other type of disciplinary
19 processes?

20 A. Right. Right.

21 Q. And for 16 months or so there was no
22 commander in there, so the sergeants in that
23 division were kind of --

24 A. They were the acting --

25 Q. -- acting --

1 A. -- bureau commanders.

2 Q. And having to do the work, as acting,
3 the work that a commander would normally do?

4 A. Right.

5 Q. All right. And who actually
6 transferred you over to the division, then? I
7 mean, ultimately is it the Chief that does that?

8 A. Right.

9 Q. Did Colonel Ecton have any --

10 A. He was a major at the time.

11 Q. He's a retired colonel, now, right,
12 major at the time?

13 A. Yes.

14 Q. So did he have any role in you getting
15 that position?

16 A. He said at some point that he did. I
17 don't know. The only thing I knew is that I was
18 going from central investigations to professional
19 standards.

20 Q. Was that kind of a prestigious
21 transfer, I mean, to get into the PSB? Is that in
22 the Department considered to be a --

23 A. It's a coveted position.

24 Q. -- good position?

25 A. Yes.

1 Q. And did you have discussions with then
2 Major Ecton about the position? Do you recall any
3 specific discussions about that before you were
4 transferred?

5 A. No, not that I can remember. As far as
6 what?

7 Q. About your interest in it, how he felt
8 about you going over there.

9 A. I think the interest came from -- I
10 don't remember where this e-mail came from, but it
11 went to all the lieutenants. I think it came from
12 Colonel Hess. And he wanted to know the top three
13 or four assignments we wanted to do --

14 Q. Okay.

15 A. -- and I think we had to send them to
16 him, and professional standards was on my list.

17 Q. Do you know who else would have been
18 interested in going over there?

19 A. According to Colonel Ecton, there were
20 other people who were just waiting for me to leave
21 so they could take my job. So I was -- I was
22 having to watch my back.

23 Q. Okay. And then who was in the PSB when
24 you were transferred over there?

25 A. There were two sergeants that were

1 directly in there, Sergeant Rike and
2 Sergeant Reboulet, and then there were detectives
3 in there, too.

4 Q. And who were they?

5 A. Doug Hall, Scott Culham, and Howard
6 Jordan.

7 Q. All right. And then eventually there's
8 some different detectives --

9 A. Right.

10 Q. -- that worked as detectives in the
11 division under you --

12 A. Right.

13 Q. -- before you left, and we'll talk
14 about that. But who were they?

15 A. Doug Hall left because he was Carper's
16 friend. He apparently didn't want to work under
17 me, which was fine with me.

18 Q. How do you know that?

19 A. Well, he said it in so many words. I
20 knew he wanted to leave, but he had to wait
21 for -- he wanted to go to a detective section.

22 Q. But in terms of not wanting to work
23 with you, did you hear him say that? Did you hear
24 anyone else say that? Was it in writing anywhere?

25 A. They don't say, you know --

1 Q. Okay. I got it.

2 A. -- I don't want to work.

3 Q. But if you have --

4 A. It was apparent --

5 Q. Okay.

6 A. -- that, you know -- Rike and Reboulet
7 had told me that. They said they didn't think he
8 should have been there anyway, but that was
9 Carper's pick. So he -- any time you were there
10 he was okay working under Carper, because
11 obviously Carper selected him. He was obviously
12 okay working under the white male sergeants,
13 because he stayed there. And it wasn't until I
14 got there that he expressed that he wanted to go
15 to a different -- go to a detective section in one
16 of the patrol divisions. So I just deduced
17 that --

18 Q. All right. And we're going to get to
19 some more questions here, but do you believe that
20 he didn't want to work with you because you're an
21 African-American?

22 A. I mean, it had to be. I'm a black
23 female. I can't take that away. And Carper is a
24 white male and the sergeants are white males and
25 he's a white male.

1 Q. Okay. All right. Who else did you
2 work with as a detective --

3 A. I think --

4 Q. -- as -- what detectives did
5 you -- worked for you?

6 A. I think we replaced him with Daryl
7 Smith --

8 Q. Okay.

9 A. -- and Darryl's black.

10 Q. Okay. Who else?

11 A. So that's good. Then Scott Culham
12 retired and we brought in Dennis Murphy, who is a
13 white male, but he worked for me over when I was
14 in central investigations, and he was a
15 homicide --

16 Q. Okay.

17 A. Actually it was Daryl Smith and Murphy
18 worked for me as homicide detectives.

19 Q. Okay. And then there's a Gorsuch that
20 came in.

21 A. Yes.

22 Q. Who's that?

23 A. And she -- she replaced -- who did she
24 replace? Howard Jordan when he left.

25 Q. He retired?

1 A. Yes.

2 Q. What was her full name?

3 A. Krista, K-r-i-s-t-a.

4 Q. Gorsuch, G-o-r-s-u-c-h?

5 A. Yes.

6 Q. White female?

7 A. Yes.

8 Q. Howard Jordan, African-American male?

9 A. Yes.

10 Q. Scott Cann?

11 A. Culham.

12 Q. Culham, white male?

13 A. Yes.

14 Q. Hall, white male?

15 A. White male.

16 Q. Daryl Smith, black male?

17 A. Yes.

18 Q. And Murphy, white male?

19 A. Yes.

20 Q. And Rike and Reboulet, white males,
21 correct?

22 A. Yes.

23 Q. All right. Anybody else in the
24 division that you worked with or for?

25 A. We had a secretary, a black female

1 secretary who loved Carper and Chabali.

2 Q. Why do you say that?

3 A. Oh, she said it. They were the reason
4 she had her job. And she told me -- one time I
5 was going to a meeting with Carper and she told me
6 to send him her love, so --

7 Q. So she basically said things to you
8 that indicated that she felt she was treated
9 favorably by Carper and Chabali?

10 A. Yes.

11 Q. As a, what, African-American female?

12 A. They just -- well, she wasn't
13 any -- she was a secretary.

14 Q. Okay.

15 A. And she did what they told her to do.
16 She would take Major Ecton's mail, because she did
17 the mail every day, and she would take his mail to
18 Chabali. She would bypass Ecton and give it to
19 Chabali.

20 THE WITNESS: I've got that e-mail,
21 too, as part of the packet.

22 Q. All right. I'm going to take you
23 through the rest of your employment history and
24 then kind of switch gears here. Your direct
25 supervisor at PSB was who?

1 A. Ecton.

2 Q. Ecton during the whole time?

3 A. Yes.

4 Q. And then you served in the role as
5 commander of PSB until when?

6 A. Until May of 2018.

7 Q. And then you were transferred to a
8 different position?

9 A. My current position.

10 Q. Which is what?

11 A. Inspections and audits.

12 Q. As a?

13 A. I'm a commander.

14 Q. Commander? Same rank --

15 A. Yes.

16 Q. -- lieutenant?

17 A. Yes.

18 Q. Same pay and benefits?

19 A. Yes, although nobody works for me. I'm
20 by myself.

21 Q. All right. We'll talk further about
22 that. But we've gone through your entire career,
23 then, in terms of positions that you had within
24 the Department, correct?

25 A. Yes.

1 Q. At some point you became interested in
2 applying for the major position that was open in
3 the 2016 time frame, correct?

4 A. I applied in 2012 also.

5 Q. Okay. What happened with that
6 application?

7 A. We were interviewed and Carper was
8 selected for the major.

9 Q. You're not claiming in this lawsuit any
10 type of discrimination or failure to be promoted
11 in 2012, are you?

12 A. No, but that 2012 has some bearing on
13 the 2016.

14 Q. Okay. All right. We'll circle back to
15 that. You did apply again, though, in 2016,
16 correct?

17 A. Yes.

18 - - - - -

19 Thereupon, Deposition Exhibit A is
20 marked for purposes of identification.

21 - - - - -

22 Q. Showing you what's been marked as
23 Defendant's Exhibit A, which is e-mail from Mark
24 Ecton to you, Eric Henderson, Matthew Dickie with
25 what appears to be a job posting.

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes. Sorry about that.

4 Q. That's okay. I'll remind you.

5 And is this the job posting, then, for
6 the major position in 2016?

7 A. Yes.

8 Q. And the date of that is what, the
9 e-mail, at least, is what?

10 A. March 22nd.

11 THE WITNESS: This is part of your
12 packet, too. I have the same e-mail.

13 Q. March 22nd, 2016?

14 A. Yes.

15 Q. Okay. So is this your first
16 notification, then, of the job posting that you
17 received, or at least got a little more formal
18 notice of it?

19 A. I believe that Chief sent something out
20 when I was going through my whole packet and
21 putting stuff together. I believe Chief sent
22 something out and then Ecton sent this one after
23 the one that the Chief sent.

24 Q. Okay. But, in any event, you were
25 notified that there was a posting for a major

1 position within the department, correct?

2 A. Yes.

3 Q. And this is an unclassified position,
4 true?

5 A. Now, you know I get confused about
6 classified and unclassified, but I think majors
7 and the deputies are unclassified.

8 Q. Unclassified in that they're appointed
9 by the City manager; is that your understanding?

10 A. Okay.

11 Q. Is that correct, your understanding?

12 A. I don't know who appoints.

13 Q. Okay.

14 A. I just --

15 Q. But this is -- the major position you
16 knew back in 2016 was not a civil service position
17 where you --

18 A. Right.

19 Q. -- took a test and were promoted off of
20 a --

21 A. Right.

22 Q. -- list, correct? You had to go
23 through an application, resume -- submit resume
24 process, interview, and, in this particular case,
25 an assessment, right?

1 A. I didn't know about -- we didn't know
2 about the assessments initially --

3 Q. Okay.

4 A. -- when this came out. That wasn't
5 till later.

6 Q. Okay. All right. And then what did
7 you do, then, in response to this posting?

8 A. I didn't do anything.

9 Q. Why not? Were you interested in the
10 position?

11 A. Oh, I was very interested.

12 Q. Okay.

13 A. Because if you look at the education
14 and experience, it says Bachelor's degree in
15 criminal justice, law enforcement or related
16 field --

17 Q. Okay.

18 A. -- and my degree is not in a related
19 field. It's not in any of those, so that was
20 confusing for me.

21 Q. Okay. Did you discuss with anybody
22 whether or not your degree, Bachelor's degree that
23 you had in general studies would have qualified
24 you to meet the education requirement for the
25 position?

1 A. I happened to be in a meeting with
2 Major Ecton and he just happened to ask me if I
3 applied for it. And I told him no, because I
4 didn't meet the education requirement. My degree
5 didn't meet that requirement.

6 Q. Okay. What did he say?

7 A. He didn't say anything else to me, but
8 then after that I got an e-mail from Mr. Couch
9 saying that it did meet the qualifications, the
10 minimum qualifications. So -- and he gave me a
11 date that I needed to -- I think they may have
12 sent something back out --

13 Q. Okay.

14 A. -- and then that's when I applied.

15 Q. Okay. I mean, did you talk to anybody
16 else in terms of whether you could -- you met the
17 minimum education qualifications?

18 A. No. I mean, it was pretty clear here,
19 Bachelor's degree in criminal justice I don't
20 have, law enforcement, don't have, nothing
21 related.

22 Q. Okay.

23 A. Most of my classes were either science
24 or in the humanities. I didn't have anything
25 criminal justice at all.

1 Q. Okay. So then it seems like basically
2 on its own the City came to you and said we hear
3 you don't believe you qualify for the position in
4 terms of the educational requirements and you do,
5 and said you can submit an application, right?

6 In other words, it wasn't you going
7 to -- you had the conversation with Ecton, but
8 other than that, you didn't go to HR or anybody to
9 say can I apply? Do I --

10 A. No.

11 Q. -- meet these?

12 A. No, I didn't.

13 - - - - -

14 Thereupon, Deposition Exhibit B is
15 marked for purposes of identification.

16 - - - - -

17 Q. Okay. Showing you what's been marked
18 as Defendant's Exhibit B. Do you recognize that
19 document?

20 A. Not really. I don't think I've ever
21 seen this before.

22 Q. It's a position description for the
23 major position, correct?

24 A. That's what it says, title, police
25 major --

1 Q. Okay.

2 A. -- but I don't remember this being
3 attached to the e-mails or anything.

4 Q. All right. And, again, it's an
5 unclassified position, correct?

6 A. Yes.

7 Q. All right. And it talks about the
8 duties and responsibilities of the major position.
9 Did you -- you didn't review any type of -- other
10 than that job posting where it talks about
11 responsibilities, did you review the position
12 description?

13 A. I'm sure I did, but I don't remember
14 this format.

15 Q. Okay.

16 A. I don't remember this format.

17 Q. And the date on that, it says it was
18 updated in 2012, correct?

19 A. It says it was approved by Timothy
20 Riordan 12-17, 2012.

21 Q. Right. And, again, it has the minimal
22 education requirement of a Bachelor's degree in
23 law enforcement, criminal justice, law
24 enforcement, or related field, correct?

25 A. Uh-huh.

1 Q. Yes?

2 A. Yes.

3 Q. And, again, you didn't have a degree in
4 criminal justice or law enforcement. So the
5 question became whether your general studies
6 degree would be enough to meet the minimal
7 qualifications, right?

8 A. Yes.

9 Q. And you felt like it didn't, but then
10 you were told that it did and you were permitted
11 to apply.

12 A. Right.

13 - - - - -

14 Thereupon, Deposition Exhibit C is
15 marked for purposes of identification.

16 - - - - -

17 Q. All right. Okay. Showing you what's
18 been marked as Defendant's Exhibit C, and at the
19 bottom of that page I know it's just a copy, but
20 is that your signature?

21 A. Yes.

22 Q. All right. And you were signing under
23 penalty of perjury that you had read the charges
24 above and that they were true and accurate,
25 correct?

1 A. Yes.

2 Q. And this is the charge -- the first
3 charge that you filed with the Ohio Civil Rights
4 Commission for discrimination, correct?

5 A. Let's see when this was dated, because
6 I did two of them.

7 Q. Right. And this one's dated May 10th,
8 2016. Do you see that at the bottom?

9 A. Okay. That is the first one.

10 Q. All right. So I just want to go
11 through the timing of everything. That's what
12 we're going to go through here.

13 But you got the notice at least through
14 an e-mail back in, say, the March time frame of
15 2016, and then in May of 2016, May 10th, you filed
16 a charge of discrimination, correct, with the Ohio
17 Civil Rights Commission?

18 A. Yes.

19 Q. And in there you said that the
20 requirements of the position of major were
21 changed. Do you see that, under III A?

22 A. Okay. Yes.

23 Q. Okay. It says, "The requirements for
24 the...position were changed when I was up for the
25 position, usually filled arbitrarily; going by

1 seniority, a degree and years of experience."

2 So am I correct, then, that you were
3 filing a discrimination charge at least in part on
4 May 10th, 2016, because you felt like you did not
5 meet the minimum educational requirements for the
6 position after it was changed to require a law
7 enforcement or related degree; is that true?

8 A. That's partially true. But because the
9 whole process was changed from the 2012 process
10 and it occurred when it got to -- when I was the
11 next person to be promoted, because previous to me
12 they had been all white males.

13 Q. Okay.

14 A. So that's what -- even though all
15 that's not said, stated in there, it's -- because
16 there's only a certain amount of space.

17 Q. Right. But you were -- I mean, you
18 were -- obviously felt like you were aggrieved in
19 some fashion because you were not able to apply
20 for the major position. That's why you went to
21 file a charge, at least in part, right?

22 A. In part.

23 Q. Okay. All right. But with regard to
24 applying for the position, after you filed this
25 charge, you were able to apply for -- you were

1 told you were able to apply for the position,
2 correct?

3 A. I got an e-mail from Mr. Couch.

4 Q. Okay. It was after this charge?

5 A. Yes.

6 Q. Okay. Do you remember when you got the
7 e-mail from Mr. Couch?

8 A. No. I don't remember offhand.

9 - - - - -

10 Thereupon, Deposition Exhibit D is
11 marked for purposes of identification.

12 - - - - -

13 Q. All right. Showing you what's been
14 marked as Defendant's Exhibit D. Again, is that
15 your signature at the bottom of that document?

16 A. Yes, it is.

17 Q. Okay. And this is the second charge
18 that you filed with the Ohio Civil Rights
19 Commission, correct?

20 A. Yes.

21 Q. All right. Why did you file a second
22 charge?

23 A. Well, when I went back and spoke with
24 Ms. Freeman and told her I received this e-mail
25 from Mr. Couch --

1 Q. Okay.

2 A. -- is that okay? Is it standard?
3 Should that have occurred or not? And she
4 explained to me that, you know, it's -- you
5 basically have the same complaint. So why was
6 he -- it's the same thing. So she did two -- she
7 did a second complaint.

8 Q. Well, what was different from May 10th,
9 2016, in terms of everything that had happened to
10 you in your employment until May 26, 2016?

11 A. I don't understand your question.

12 Q. You filed a second charge on May 26,
13 2016, and my question is what -- what changed?
14 What additional conduct or treatment or action was
15 taken against you from May 10th, 2016, until May
16 26, 2016, when you filed the second charge?

17 A. Like I said, I contacted Ms. Freeman
18 again and told her that I had been contacted by
19 Mr. Couch, is this normal. And she felt that it
20 was not normal and that we needed to file a second
21 one.

22 Q. Okay. And, for the record,
23 Ms. Freeman is the Ohio Civil Rights investigator?

24 A. Right.

25 Q. So she told you to file a second one?

1 A. Yes.

2 Q. All right. The only thing I see here
3 that's different in terms of what you're alleging
4 from the first charge is that you said that in the
5 second paragraph at the last line that you
6 believed that Respondent, meaning the City of
7 Dayton, is being deceptive.

8 A. Okay. Where's that?

9 Q. Second paragraph, last line.

10 A. Oh. I believe that --

11 Q. It's prefaced by saying that I do
12 now -- you were told basically I do now meet the
13 minimum qualifications and I believe that
14 Respondent is being receptive.

15 A. Well, my thing is why wasn't it
16 clarified from the beginning, because it's not
17 clear. I know that Mr. Couch said that it should
18 have been clear, but it's clear if you put it in
19 writing. They didn't put it in writing. The only
20 thing they put in writing was you need a degree in
21 criminal justice, law enforcement, or a related
22 field. So that was supposed to be clear to me?
23 It wasn't. And that's okay that it wasn't clear
24 to me.

25 Q. Right. Which is what's contained in

1 your May 10th, 2016, charge, that you weren't able
2 to apply for the position because you felt like it
3 was -- you didn't meet the minimum educational
4 requirements.

5 And then my question is on May 26,
6 2016, what's changed at that point in terms of any
7 type of discriminatory conduct that you're
8 alleging?

9 A. I don't understand your question. I'm
10 sorry.

11 Q. What do you mean by, "The Respondent
12 was continuing to be deceptive"?

13 A. Because it changed. Why wasn't it this
14 way from the beginning? Why am I suddenly now
15 qualified? Why do I suddenly meet --

16 Q. Did you want to not be qualified? You
17 wanted to qualify, right?

18 A. Meet the minimum qualifications.

19 Q. You did meet the minimum
20 qualifications, correct?

21 A. Yes, according to him.

22 Q. So you're claiming that you were
23 discriminated against because you were allowed to
24 apply for the position?

25 A. No, I'm not. I'm saying that they're

1 being deceptive because why are they changing?

2 Either I'm qualified for it the first time or I'm
3 not.

4 Q. Well, I think what you've indicated is
5 that Mr. Couch told you that you did meet the
6 requirements because you had a Bachelor's degree
7 in a related field, which is what it says, right?

8 A. But that's not the way it was worded
9 from the beginning. He told me that afterwards.

10 Q. It was worded -- the job description or
11 the job posting didn't change?

12 A. No. The job posting didn't change.

13 Q. The language is the same --

14 A. It is.

15 Q. -- from May 10th --

16 A. It is.

17 Q. -- to May 12th, 2016?

18 A. It is, but apparently in between that
19 time, I got his e-mail.

20 Q. Right. Saying that all along you
21 qualified for the position, you meet the -- you
22 met the minimum educational requirements for the
23 position.

24 A. Mr. Bazalak, I'm telling you what I
25 believed, and that's what you're asking. You're

1 arguing with me about what I believed, and it's
2 not going to change.

3 Q. Yeah. I'm trying to get what you
4 believe, why you filed the second charge when the
5 only thing that changed between May 10th and May
6 26th is you received a notification from the HR
7 director, Mr. Couch, that you did meet the minimum
8 educational qualifications --

9 MS. BROWN: I'm going to object.

10 Q. -- and you could apply for the
11 position.

12 MS. BROWN: I think she's answered that
13 several times, so my objection is asked and
14 answered.

15 Q. You can answer.

16 A. Then why didn't they change the
17 requirement on the paper? That looks weird to me.
18 It did appear to be deceptive to me. So why am
19 I -- why do I get this e-mail from you when we're
20 in the middle of this? It just didn't seem proper
21 to me.

22 Q. And you felt that that was
23 discriminatory based on your race and gender?

24 A. And I felt it was deceptive. And
25 that's not the only thing. We're only talking

1 about this. We haven't even gotten into the part
2 about the harassment.

3 Q. It's all in your May 10th, 2016,
4 charge. My only question is why are we having
5 another charge on May 26, 2016?

6 A. Well, my question is what does it
7 matter? They say the same thing. To me, if it
8 was deceptive for him to contact me, it was
9 deceptive.

10 MS. BROWN: And I want to object here.
11 She's answered this question several times. We're
12 not here based on the charge that was filed with
13 the OCRC. We filed a complaint. So these things
14 aren't even relevant to the matter that we're here
15 about.

16 MR. BAZELAK: Okay.

17 MS. BROWN: Plus we've already found
18 probable cause. The OCRC found probable cause for
19 these charges listed. So, again, asked and
20 answered. They're irrelevant. The objections are
21 pretty long.

22 Q. Okay. So, again, deceptive is really
23 what you felt was the need to file another charge
24 was that somehow the whole communication regarding
25 the fact that you met the minimum educational

1 requirements was deceptive. That's what you put
2 in here, right?

3 A. I put in there what it said.

4 Q. Okay. All right. You ultimately went
5 through the application process, correct, for the
6 major position?

7 A. Yes.

8 Q. And you submitted your application and
9 resume --

10 A. Yes.

11 Q. -- right?

12 And you went through an assessment
13 center exercise, correct?

14 A. Yes.

15 - - - - -

16 Thereupon, Defendant's Exhibit E is
17 marked for purposes of identification.

18 - - - - -

19 Q. Showing you what's been marked as
20 Defendant's Exhibit E. Have you seen that
21 document before?

22 A. Never.

23 Q. You've never seen the assessment center
24 report document?

25 A. Never.

1 Q. I'll give you a chance to review it.

2 And, just for the record, you've never seen it
3 before, but the first page of the exhibit is a
4 cover letter which says that this is the
5 candidates for the major position, the "final
6 scores and remarks from the assessment team" after
7 you went through the assessment center exercises,
8 right?

9 A. "Enclosed are the candidates' final
10 scores and notable remarks from the assessment
11 team. Please call...if you have questions."

12 Q. Right. And while you may not have seen
13 this document, did you ultimately become aware of
14 how well you did on the assessment center
15 exercises?

16 A. Only where we were ranked.

17 Q. Okay. And you were ranked last or
18 second to last?

19 A. Second to last.

20 Q. With a score of 75.42?

21 A. I never got a score.

22 Q. Okay. But that's on the --

23 A. I don't think I did. I don't remember.

24 Q. There are no pages, but -- yes, it is,
25 page 5.

1 A. Okay.

2 Q. Okay. So these are the overall scores
3 on the various exercises, and Eric Henderson was
4 the highest, correct?

5 A. Yes.

6 Q. And then Wendy Stiver was second?

7 A. Yes.

8 Q. And then it went to Joseph Wiesman,
9 third, Matthew Dickie -- or, no, you fourth, and
10 Matthew Dickie, fifth, correct?

11 A. Uh-huh. Yes.

12 Q. And Matthew Dickie was 75 and you were
13 75.42.

14 A. Yes.

15 Q. Wiesman was 79.17, correct?

16 A. Right.

17 Q. Stiver, 84.9, correct?

18 A. Yes.

19 Q. And Henderson, 89.58?

20 A. Yes.

21 Q. And the two people ultimately selected
22 for the major position were Eric Henderson and
23 Wendy Stiver.

24 A. Yes.

25 Q. Do you take issue with anything on the

1 narrative for yourself on page 10?

2 A. Okay. What was your question again?

3 Q. Do you take issue with any of the
4 statements made in the narrative about yourself
5 that were --

6 A. No.

7 Q. Okay. The people that were involved in
8 this process were not associated with the City of
9 Dayton, correct? They weren't employed by the
10 City of Dayton?

11 A. Not as far as I know.

12 Q. Okay. Did you know any of them
13 beforehand?

14 A. I know Chief Oliver, because he taught
15 some of our courses at PELC and CLEEP.

16 Q. Okay.

17 THE REPORTER: I'm sorry. Some of your
18 courses on?

19 THE WITNESS: PELC, the Police
20 Executive Leader College; and CLEEP, Certified Law
21 Enforcement Executive Program.

22 Q. All right. And Chief Oliver -- they've
23 got bios of all the individuals. Chief Oliver,
24 what's his race?

25 A. He's a black male.

1 Q. And Chief O'Dell is a former chief of
2 police of Kettering since 1985, correct?

3 A. Yes.

4 Q. White male?

5 A. Yes.

6 Q. And then you had Lieutenant Colonel
7 Cindy Combs Roth, white female?

8 A. Yes.

9 Q. Were those the three that were involved
10 in the exercises?

11 A. Yes.

12 Q. Okay. How well did you -- how did you
13 think you did in the exercises?

14 A. I don't think I did my best considering
15 what I had been going through for quite some time,
16 the environment that I was in for quite some time.

17 Q. Okay. What did you feel you didn't do
18 well?

19 A. I didn't do my best on anything.

20 Q. Okay. What did you feel you didn't do
21 your best on?

22 A. On nothing. On any of the components I
23 don't feel that I did my best on.

24 Q. So is there any particular area you
25 feel like you may not have done --

1 A. I don't think I did --

2 Q. -- well at all or, I mean, all of them
3 basically you just feel like you didn't do that
4 well in every area, because there's --

5 A. I didn't say I done that well. I said
6 I didn't do my best. Had I not been subjected to
7 what I had been subjected to, I'm sure I would
8 have done much better.

9 Q. Okay. All right. And there were
10 various exercises. There was a written
11 problem-solving exercise, correct?

12 A. Right.

13 Q. There was a structured oral
14 presentation?

15 A. Right.

16 Q. There was a citizen interaction
17 exercise?

18 A. Yes.

19 Q. And there was a structural oral
20 presentation simulation.

21 A. Right.

22 Q. Did you tell anybody that you feel like
23 there was something going on with you mentally,
24 emotionally that you didn't -- couldn't perform
25 your best?

1 A. No. I didn't tell anybody.

2 Q. And you're not alleging that any of
3 these individuals discriminated against you in the
4 performance of their assessment, are you?

5 A. No.

6 Q. With regard to -- and I'll get back to
7 this, but with regard to the two individuals who
8 were promoted, Eric Henderson, African-American
9 male, correct?

10 A. Yes.

11 Q. And Wendy Stiver, white female,
12 correct?

13 A. Yes.

14 Q. In terms of experience with the
15 Department, do you know how long they had been
16 with the Department?

17 A. I'm not sure. I know I was a sergeant
18 when they went to the Academy. I was already a
19 sergeant, so they had to have come on sometime
20 1999 or later.

21 Q. Okay. Do you know when they were
22 promoted to sergeant?

23 A. I have no idea.

24 Q. Okay. So you don't know how long they
25 had served in supervisory roles compared to you --

1 A. No.

2 Q. -- at the time the decision was made to
3 promote them?

4 A. To major?

5 Q. Yeah.

6 A. I had more experience than them.

7 Q. Time with the department, but I'm
8 talking about experience as a sergeant or above --

9 A. And I had --

10 Q. -- or lieutenant and above.

11 A. I did have more experience just as a
12 supervisor, because I was a supervisor when they
13 came on, when they were in the Academy, and I'd
14 had various positions. I had two stints as an
15 administrative aide for a major, and that is huge.
16 That gave me a lot of knowledge. I had to
17 communicate back and forth with City Hall for
18 things and work with other departments, divisions.
19 So I had already done those things.

20 Q. But in terms of how long they had been
21 lieutenants compared to you being lieutenant, do
22 you know if that was similar?

23 A. I was a -- I had more seniority than
24 them as a lieutenant.

25 Q. How much more in terms of lieutenant,

1 being lieutenant?

2 A. I think -- I think Wendy was -- I was
3 promoted in 2010. I think she and Henderson were
4 promoted in 2011.

5 Q. Okay. So you also -- did you
6 participate in an interview process?

7 A. Yes.

8 Q. Okay. Tell me about that. Who did you
9 interview with?

10 A. All the people that I filed the
11 discrimination complaint against except for the
12 black female. It was Chief Biehl --

13 Q. You've only --

14 A. -- Carper.

15 Q. You've only filed a discrimination
16 complaint against Chief Biehl individually.

17 A. Well, it was supposed to be everybody
18 else, too. I didn't know that you had to put
19 everybody's name on there. But Carper, Ecton, and
20 then Ken Couch was in there to make sure that
21 everything apparently was -- was asked properly.

22 Q. All right. So the people you indicated
23 were Carper, Ecton, Couch, Biehl. Anybody else?

24 A. There was a black female there. I
25 don't remember her name.

1 But I knew it was a farce. Everybody
2 knew in the department that Stiver and Henderson
3 were going to be the selected ones even before the
4 assessment center. That was the talk all through
5 the Department.

6 Q. Anybody else you interviewed with?

7 A. No.

8 Q. Any conversations with City manager?

9 A. No.

10 Q. And you're aware that the City
11 manager's the one who ultimately made the decision
12 to appoint Wendy Stiver and Eric Henderson to
13 major?

14 A. That's what I've been told.

15 Q. Do you believe Shelley, the City
16 manager, has some type of racial or gender bias
17 against you?

18 A. I think she does.

19 Q. What's that?

20 A. And she may not be aware of it because,
21 you know, there's implicit bias. Sometimes we
22 don't know, especially with those of us or those
23 of you all who believe that you have these
24 egalitarian views and oh, I'm not racist. Of
25 course consciously you're not, but unconsciously,

1 everybody knows -- I mean, science bears it out
2 that we all have implicit biases.

3 Q. And that bias resulted in her
4 appointing an African-American --

5 A. I think it had --

6 Q. -- male and white female --

7 A. I think it influenced it.

8 Q. -- instead of you?

9 A. Not to mention the fact I was next in
10 line. Now, had I been -- had it been a group of
11 five people and I had been somewhere in there I
12 wouldn't have had anything to say. But I was next
13 on the list, and he had gone according to and
14 whoever the previous City managers were approved
15 them step by step, white males, until it got to
16 me.

17 Q. What list are you referring to?

18 A. I didn't say there was a list.

19 Q. You said you were "next on the list."

20 A. Oh, the seniority list. And that's
21 what Chief used to appoint the previous white male
22 majors. They went according to seniority.

23 Q. Do you believe that some type of
24 seniority list is used to determine who gets
25 promoted to the major position?

1 A. That was the way it had been, at least
2 until -- at least as of 2012 when we took the exam
3 in -- well, we didn't have an exam in 2012, but
4 when we applied in 2012, he selected based on
5 seniority until it got to me, and now he wants to
6 do an assessment center. But then he did the same
7 thing to Ecton.

8 MR. BAZELAK: Al right. I'd like to
9 take a break, but we've got to move on. And then
10 we'll take a lunch break in a little bit if that's
11 okay with you.

12 A. That's okay.

13 Q. You guys all right?

14 A. But if you want to take a break, I'm
15 okay with that.

16 Q. No, I'm good.

17 Okay. So the City manager ultimately
18 selected two candidates for the major position
19 that -- and did not select you, and the two she
20 selected were the two highest candidates on the
21 assessment score, correct?

22 A. Yes. But how much was the assessment
23 center worth versus the interview versus your
24 experience versus your seniority? Were any of
25 those considered? We don't know. We don't know

1 what was weighted.

2 None of those things -- and, like I
3 said, everybody knew in the police department or
4 that was the word on the street that everybody
5 knew that Stiver and Henderson were going to get
6 it, even before the assessment centers took place
7 they were going to be promoted.

8 Q. Let's do this first.

9 - - - - -

10 Thereupon, Deposition Exhibit F is
11 marked for purposes of identification.

12 - - - - -

13 Q. I'm showing you what's been marked as
14 Defendant's Exhibit F. We were talking about
15 Shellie Dickstein, the City manager, being the
16 decisionmaker to determine who was going to be
17 promoted to the major position.

18 Have you seen this document before,
19 Exhibit F?

20 A. I don't think so.

21 Q. All right. It's an affidavit that we
22 filed in the Civil Rights proceeding, and it
23 describes Ms. Dickstein's review of your candidacy
24 and the other individuals' candidacy and what she
25 took into account.

1 Have you ever seen that?

2 A. I don't think -- it doesn't look
3 familiar.

4 Q. Okay. And she determined that
5 Lieutenant Stiver and Henderson were the best
6 candidates to be promoted based upon reviewing --

7 A. Okay.

8 Q. -- documents and the candidacies,
9 correct?

10 A. Okay.

11 Q. Do you see that?

12 A. That's what she said.

13 Q. Okay. Have you ever talked to her
14 about it?

15 A. I don't have anything to say to
16 Shelley.

17 Q. Okay. All right. Do you know when
18 Stiver and Henderson were promoted?

19 A. Sometime in 2016.

20 Q. Okay. Well, I think we identified that
21 the assessment center exercise, and you have that
22 exhibit in front of you, went forward on June 9th,
23 2016, correct?

24 A. That sounds about right.

25 Q. All right. And then this letter's

1 dated June 13th, 2016 --

2 A. Right.

3 Q. -- where the report's being sent to the
4 City of Dayton, correct?

5 A. Yes.

6 Q. All right. And do you agree that
7 sometime around the August time frame 2016 would
8 have been the time that the promotions -- the
9 decision was actually made in terms of who was
10 going to be promoted to major?

11 A. That sounds about right.

12 - - - - -

13 Thereupon, Deposition Exhibits G and H
14 are marked for purposes of identification.

15 - - - - -

16 Q. Okay. You're familiar with what
17 documents in the City forms called P-1's?

18 A. Vaguely.

19 Q. Okay. Let me show you what's been
20 marked as Defendant's Exhibit G and Defendant's
21 Exhibit H, and those are P-1s showing that, if you
22 look at effective date of August 8th, 2016, for
23 both Henderson and Stiver, and you see there that
24 the reason for the personnel change is promotion.

25 A. Yes.

1 Q. And it's to the position classification
2 of major --

3 A. Yes.

4 Q. -- correct?

5 A. Yes.

6 Q. So you agree with me that the effective
7 date of the promotions for Eric Henderson and
8 Wendy Stiver was August 8th, 2016.

9 A. Yes.

10 Q. Okay. All right. Now, I'm going to
11 take you through kind of some history that we have
12 through the Ohio Civil Rights case that you filed.

13 You filed these two separate charges.
14 Go back to those exhibits. The first charge of
15 May 10th, 2016. That one has got a date of -- it
16 says -- see the charge number?

17 A. Yes.

18 Q. It says (DAY) A6 (25679) --

19 A. Yes.

20 Q. -- right? And it's got 05102016. I
21 think that's just the date, May 10th, 2016.

22 A. Right. That's what it looks like.

23 Q. Okay. So the first charge is
24 identified by that number. That's the May 10th
25 charge, 25679, correct?

1 A. Yes.

2 Q. And then the May 26 charge is (DAY) 76
3 (25715), and then the date again, 05262016,
4 correct?

5 A. Yes. Yes.

6 Q. All right. So ultimately your charges
7 were investigated by Ms. Freeman of the Ohio Civil
8 Rights Commission, correct?

9 A. Yes.

10 Q. All right. And both of your charges
11 were investigated and the Ohio Civil Rights
12 Commission's regional office and
13 Ms. Freeman's -- the charges Ms. Freeman
14 investigated, it was determined that there was no
15 probable cause to issue a complaint of
16 discriminatory practices, correct? Do you recall
17 that initially?

18 A. Initially I remember there was a
19 finding of no probable cause.

20 - - - - -

21 Thereupon, Deposition Exhibits I and J
22 are marked for purposes of identification.

23 - - - - -

24 Q. So showing you what we've marked as
25 Defendant's Exhibit I and J, those are the

1 determination letters that the Ohio Civil Rights
2 Commission sent out on both the May 10th, 2016,
3 charge and the May 26, 2016, charge determining
4 there was no probable cause to determine that
5 there was discriminatory actions, correct?

6 A. That's what it says.

7 Q. Okay. And then what happened after
8 that is you filed a motion to reconsider that,
9 correct, those determinations?

10 A. Yes.

11 Q. All right. And you went up to the full
12 board of the Ohio Civil Rights Commission and had
13 a hearing and they made some determinations on
14 both charges. That's your understanding?

15 A. Yes.

16 - - - - -

17 Thereupon, Deposition Exhibit K is
18 marked for purposes of identification.

19 - - - - -

20 Q. Okay. Showing you what's been marked
21 as Defendant's Exhibit K, and go ahead and look at
22 the number up there in terms of what this
23 references, the charge that this references.
24 That's the May 10th, 2016, charge, correct?

25 A. Yes.

1 Q. The date of that letter is April 27th,
2 2017, correct?

3 A. Yes.

4 Q. So with regard to the May 10th, 2016,
5 charge that you have as an exhibit there and all
6 the allegations that you put in that May 10th,
7 2016, charge, upon reconsideration of the no
8 probable cause determination, the full board
9 determined itself that there was no probable cause
10 to believe that the City engaged in discriminatory
11 practices with regard to the May 10th charge,
12 correct?

13 That's Exhibit I in front of you. No.
14 No, Exhibit K.

15 MS. BROWN: I'm going to object here to
16 discussion of information she didn't write or
17 didn't have any --

18 MR. BAZELAK: That's fine.

19 MS. BROWN: If you know.

20 A. It just says that, "After the finding
21 of No Probable Cause, Charging Party applied for
22 reconsideration."

23 Q. Right. We talked about that. You had
24 the full hearing in front of the board and then
25 they came back with regard to the May 10th charge

1 and said that there was no probable cause. You
2 see that on -- the decision on page 2?

3 A. Okay.

4 MS. BROWN: Is there a question? Are
5 you asking her can she read the document?

6 MR. BAZELAK: Yeah. I've got to go
7 through it.

8 MS. BROWN: We can stipulate to the --

9 MR. BAZELAK: I've got to go through
10 it.

11 MS. BROWN: We don't. We can stipulate
12 that these are authentic documents. I think these
13 were provided to you, so we don't have to read
14 them. If there's a question about it, fine, but
15 we're willing to stipulate to the authenticity.

16 MR. BAZELAK: We've got to go through
17 it.

18 Q. So this was the decision on the
19 reconsideration for the May 10th charge. That's
20 your understanding?

21 A. I guess this is what this is.

22 Q. Okay. And then the May 26 charge that
23 we looked at before, there was a determination
24 upon reconsideration for that particular charge
25 that there was probable cause. Do you see that,

1 on Defendant's Exhibit -- did I mark that yet? Do
2 you have J? I think you have one -- the May 18th
3 one? You don't have that one.

4 A. This is Exhibit J.

5 MS. BROWN: May 16th. That's a
6 different one.

7 Q. Let's mark that, then.

8 - - - - -

9 Thereupon, Deposition Exhibit L is
10 marked for purposes of identification.

11 - - - - -

12 Q. So showing you what's been marked as
13 Exhibit L, that's the letter of determination upon
14 reconsideration for the May 26 charge, and the
15 determination was there was probable cause,
16 correct?

17 A. Okay. Oh, okay. I see. There's two.
18 They did them separately.

19 Q. Right. They did them separately. And
20 the one that you got a probable cause
21 determination on was the May 26 charge --

22 A. Okay.

23 Q. -- right?

24 And then as a result of that probable
25 cause determination on the May 26 charge, there

1 was a complaint filed on your behalf and you
2 participated in as a party to that case with the
3 Civil Rights Commission, a complaint filed. Do
4 you remember that?

5 A. I remember going before the board.

6 Q. Well, this is different. This is after
7 the board came out with that decision in Exhibit
8 L. Then there was a complaint filed on your
9 behalf before the Ohio Civil Rights Commission.
10 I'll show it to you.

11 A. Okay.

12 - - - - -

13 Thereupon, Deposition Exhibit M is
14 marked for purposes of identification.

15 - - - - -

16 Q. Showing you what's been marked as
17 Defendant's Exhibit M.

18 A. And this is what?

19 Q. That's your complaint that was filed on
20 your behalf by the Attorney General's Office with
21 the Ohio Civil Rights Commission based upon the
22 probable cause finding related to the May 26,
23 2016, charge that was filed with the Ohio Civil
24 Rights Commission.

25 A. Okay.

1 Q. Right?

2 A. I guess. This is what it looks like.

3 Q. Okay. Now, with regard to the -- let's
4 mark that.

5 - - - - -

6 Thereupon, Deposition Exhibit N is
7 marked for purposes of identification.

8 - - - - -

9 Q. Okay. Showing you what's been marked
10 as Defendant's Exhibit N. With regard to the no
11 probable cause determination on the May 10th,
12 2016, charge, you were -- you received -- it says
13 your name at the top there, correct?

14 A. Yes.

15 Q. Kimberly Hill. You received a notice
16 of what we call the right-to-sue letter.

17 A. I could have. I haven't -- I haven't
18 looked at this stuff in a while.

19 Q. Okay. All right. So this is -- what's
20 the date on that, June 26, 2017, correct?

21 A. Right.

22 Q. All right. So this is the right-to-sue
23 letter that you got because the Civil Service
24 Commission said there was no probable cause to
25 find discriminatory treatment and allowed you to

1 file a lawsuit in federal court regarding the no
2 probable cause determination, correct?

3 A. Oh, okay.

4 Q. Is that your understanding?

5 A. No.

6 Q. Okay.

7 A. Because I didn't realize that there
8 was -- that they said no to one and yes to the
9 other one.

10 Q. Mark that.

11 A. So what's the point?

12 - - - - -

13 Thereupon, Deposition Exhibit O is
14 marked for purposes of identification.

15 - - - - -

16 Q. Now, with regard to the complaint,
17 Exhibit M that was filed with the Ohio Civil
18 Rights Commission, that was with regard to the May
19 26 charge that you filed, correct?

20 A. Okay.

21 Q. All right. And that was -- that
22 complaint was ultimately withdrawn. Did you
23 withdraw that complaint, do you know?

24 A. Not to my knowledge.

25 Q. Okay.

1 A. I mean, I could have. I don't know.

2 THE WITNESS: Did I withdraw that
3 complaint?

4 MS. BROWN: I'm going to object to all
5 these questions --

6 MR. BAZELAK: That's fine.

7 MS. BROWN: -- calling for a legal
8 conclusion. You wouldn't know.

9 Q. Okay. Showing you what's been marked
10 as Exhibit O.

11 A. Okay. And what is this?

12 Q. Okay. Exhibit O is your right-to-sue
13 letter for your 2000 -- May 26, 2016, complaint.

14 A. Okay.

15 Q. It says the EEOC was terminating the
16 processing of that charge. If you look at that
17 charge, EEOC charge No. 22A-2016-1977, look at the
18 exhibit for the May 26 charge that you had seen,
19 if you can find that one.

20 A. What does it look like?

21 Q. The actual charge, the charge that
22 initiated all this on May 26th, the second charge
23 that we were referring to.

24 A. Oh, one of these?

25 Q. Yes.

1 A. That would be this one.

2 Q. Right. What's the number of that
3 charge?

4 A. (DAY) 76 (25715), and then the date
5 02 -- 05262016.

6 Q. All right. So do you know if this is
7 the -- this is the right-to-sue letter that you
8 received with regard to the charge of May 26,
9 2016?

10 A. To be honest with you, I put all my
11 things in a binder and -- but relating number to
12 number, I didn't do that.

13 Q. Okay.

14 A. So I never knew that one was -- I
15 received probable cause on one and not on the
16 other one. I just thought I received probable
17 cause on -- because they're the same complaint.

18 Q. Well, right. And then there's some
19 statements in your complaint saying that you filed
20 this complaint after receiving a probable cause
21 determination, but you filed your federal
22 complaint after receiving a right to sue on the
23 complaint -- on the charge where there was no
24 probable cause. Isn't that what happened?

25 If you don't know, you don't know.

1 That's fine.

2 A. I don't know.

3 Q. All right. Maybe you can answer this,
4 though: Have you ever filed another charge after
5 May 26, 2016, with the Ohio Civil Rights
6 Commission regarding you not receiving the
7 promotion in August of 2016?

8 A. Not that I know of.

9 MR. BAZELAK: All right. Let's
10 take -- can we take like a half an hour?

11 MS. BROWN: Sure.

12 - - - - -

13 Thereupon, a luncheon recess is taken
14 at 12:50 p.m.

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Tuesday Afternoon Session

May 26, 2019, 1:33 p.m.

- - - - -

MR. BAZELAK: Back on the record.

Q. Lieutenant Hill, we're back on the record after a short lunch break. And I am going to circle back now and talk to you about your position in the PSB as commander through the present day and also talk to you about the allegations that you've put in your federal complaint, okay?

A. Okay.

Q. Your complaint in paragraph 13 talks about the subordinates in your department not liking your course of action and not taking your authority as a female seriously.

First of all, the subordinates, who are you referring to?

A. All of them. Primarily the sergeants, but the detectives were the same way, because they took their cues from the sergeants.

Q. Okay. So all the detectives that we went through during the course of your time at PSB?

A. There was a question. There was always

1 a question if I made an assignment why do I have
2 to do that, or they would become angry if I made
3 an assignment. Some of them just wouldn't -- just
4 would never -- they just wouldn't do the
5 assignment.

6 Q. Okay. Who would not do an assignment
7 that you gave to them?

8 A. Well, for example, I gave Rob Rike, I
9 assigned him a particular case, and he was so
10 angry his face turned red like what's on that can
11 he was so angry. That's what we do is investigate
12 citizen complaints. He eventually did it.

13 I also gave him -- we were going to
14 look and evaluate traffic crashes and see where we
15 could -- if there was anything we could evaluate,
16 or if during the evaluation we could determine how
17 we could decrease the cruiser crashes.

18 He never did that. He asked me well,
19 what is an evaluation? Well, what do you mean?
20 What does it -- these are -- these are sergeants
21 in internal affairs and you're going to ask me
22 what an evaluation is? So it was just a constant,
23 like, pulling teeth to get anything done.

24 Q. Okay. So the one case you gave to
25 Rike, you said he was angry and you --

1 A. Extremely.

2 Q. -- just knew that by the -- him turning
3 red and --

4 A. Just his body language in general.

5 Q. Okay. Body language and turning red.
6 But did you have any further conversation? Did he
7 tell you that he wasn't going to do it?

8 A. No. Oh, he did it.

9 Q. He did it? Okay. And the other one
10 was with Rike in terms of a traffic crash
11 evaluation project. Was that a written assignment
12 he was given?

13 A. Yes.

14 THE WITNESS: I've got that e-mail for
15 you on that one.

16 Q. Okay. When was that e-mail, do you
17 know?

18 A. Oh, gosh. I don't remember.

19 Q. Do you have a copy of it?

20 A. Yes. I'll have to give it to my
21 attorney.

22 Q. Okay. If you can get that to your
23 attorney, she can get that to me.

24 And did he -- how did he -- did he
25 e-mail you back?

1 A. No. He just never did it. He sat in
2 my office and asked me what was -- well, what is
3 an evaluation? Oh, he said it was the
4 responsibility of the Academy to handle training
5 and that wasn't a PSB responsibility, although
6 this directive came from the Chief.

7 Q. Okay.

8 A. And it never got done.

9 Q. All right. Any other events in which
10 your subordinates did anything to suggest to you
11 that they didn't like your course of action and
12 didn't take your authority as a female seriously?

13 A. Besides the fact that they would
14 withhold information from me. I would ask a
15 question about a process or something that needed
16 to be done, and they would either give me the
17 wrong answer and I would later hear about it from
18 Ecton. Well, I didn't know it was wrong because
19 that's just what they told me. Or either they
20 would say they didn't know the answer to it. And
21 sometimes they would actually tell the truth.
22 They would really be right. So I was always
23 confused.

24 Q. Can you give me an example of that?

25 A. One example is we were preparing for

1 firearms review board for a hearing for an
2 officer-involved shooting, and Detective Howard
3 Jordan was the primary investigator on that one.

4 Well, part of the scheduling the
5 firearm review board, you have to make calls to
6 the deputy chief, the major, to another
7 lieutenant, and to the Academy in order to
8 schedule this firearms review board hearing. And
9 so we were all in a meeting. It was the three
10 investigators and the two sergeants and me. And
11 Detective Jordan, apparently he said that it was
12 up to him to schedule. This was my first hearing.
13 And he said it was up to him to contact the deputy
14 chief and everybody for the hearing. And so I
15 said are you sure? He said yeah. This is how we
16 do it. And I had the other ones all at the table,
17 and not one person spoke up and said anything.
18 Well, it turns out I'm supposed to do that.
19 Because that was strange to me why would an
20 investigator be the one to contact the deputy
21 chief? Because we had to get everybody scheduled
22 now so we know when we're going to set up this
23 firearms review board. And that should have been
24 my responsibility, but he insisted that it was
25 him.

1 Q. "He" being Howard Jordan?

2 A. Right. And that was a big issue with
3 Ecton and, like I told him, I didn't know. This
4 is what they told me, or this is what Jordan told
5 me, and nobody said anything. Nobody spoke up.

6 So after I had met with Ecton, after I
7 got a new butt hole chewed, I went back over there
8 and I confronted Rike and Reboulet. I said why
9 didn't you guys tell me that was the proper
10 procedure? Well, Rike lied and said he didn't
11 hear it. Reboulet said well, I heard it, but I
12 don't know why I didn't say anything. These are
13 the kinds of things that I experienced.

14 Q. Heard what?

15 A. The conversation between me and
16 Detective Jordan about the firearms review board.
17 They all sat there knowing that what he was
18 telling me wasn't correct, but nobody said
19 anything. And they knew I didn't know because I
20 was new.

21 Q. Did you ask Detective Jordan why he
22 said it?

23 A. No, but I asked the sergeants why they
24 didn't say anything.

25 Q. Well, apparently the wrong information

1 was coming from Detective Jordan.

2 A. It came -- that was just one example.

3 And they didn't say anything, but they knew.

4 Well, like Reboulet saying, yeah, I heard it, but
5 he said I don't know why I didn't say anything.

6 So there were things like that that happened, and
7 they happened regularly.

8 Or they would -- like I said, they
9 would withhold information, but then Ecton did the
10 same thing, so it was --

11 Q. So it says here --

12 A. I didn't have a chance.

13 Q. -- authority was edged away, coworkers
14 either completely ignored her -- ignored you or
15 made you feel that you imagined the issues.

16 What's your factual basis for that
17 allegation?

18 A. Yeah. I would -- for instance, I was
19 always confused because, like I said, they would
20 tell me -- I would ask them how, you know, for
21 example, we have to do -- and you know this. Oh,
22 shoot. What are they called? Moral obligation
23 claims. So if we conducted the investigation, if
24 the investigation was conducted in professional
25 standards and there was a moral obligation claim,

1 then we should do the moral obligation claim, too.

2 Well, I asked them. I said, well, is
3 this how you all have done it in the past? Oh, I
4 don't know. Because if it's an investigation in
5 internal affairs, everything should stay internal
6 affairs. And they claimed they didn't know.
7 Well, come to find out they should have stayed in
8 internal affairs. Well, they've been there for
9 years so they knew the process and they didn't
10 tell me.

11 And, like I said, sometimes they would
12 say they didn't know and sometimes they probably
13 really didn't know. I had to go find it somewhere
14 else. Or sometimes they would tell me the truth.
15 So I was always confused about what, you know -- I
16 couldn't really tell. I was always off balance.

17 Q. Okay. It says, "Other lieutenants and
18 majors from within the department also used the
19 same tactics." You referred to Colonel Ecton.

20 A. Right.

21 Q. Colonel Ecton, African-American male,
22 right?

23 A. Right.

24 Q. Is he one of the others that used the
25 same tactics?

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 Q. Okay. What other lieutenants and
5 majors within the police department --

6 A. I had problems with Brian Johns, of
7 course Carper, Wendy Stiver, Andy Booher.

8 Q. Okay. Can you tell me what actions
9 that they took that you considered created a
10 hostile work environment?

11 A. For example, just not -- treating me
12 like I wasn't there, like I was just invisible.
13 And they would communicate with the sergeants, the
14 white male sergeants and not me.

15 And initially I thought it was just
16 because they were accustomed to talking to them as
17 opposed to me, but eventually everybody knew I was
18 there.

19 And, for example, we sent out citizen
20 letters when we finish completing an
21 investigation. We do it in professional standards
22 and they do it in the divisions. Well, the
23 citizen letter, the last paragraph states that if
24 you have any questions to contact the commander or
25 major, whoever the division's coming from, or if

1 you have any questions about anything else, you
2 can contact the commander of professional
3 standards lieutenant whoever at this number.
4 Well, they would either put -- and I've got
5 examples for you, too. They would put contact
6 Sergeant Timothy Reboulet in internal affairs
7 knowing that I was there, or they would just say
8 contact professional standards bureau at this. I
9 was never acknowledged as a commander there.

10 Q. Who was writing -- who was the author
11 of these letters?

12 A. One came from Henderson's division and
13 one came from Brian Johns' division. Now, sure,
14 there were more, but those were just the only two
15 that I came -- that I was actually able to pull
16 out of the blue team, because I didn't go over
17 to -- I just eventually -- I stopped dealing with
18 blue team all together, but I'm sure there were
19 others. That was just a standard, I'm sure.

20 Q. All right. Anything else?

21 A. Oh, there's a lot, but for now this is
22 a good example.

23 Q. Well, anything that you can tell me in
24 terms of what you consider to be discriminatory or
25 retaliatory treatment based upon your race and/or

1 gender by subordinates or lieutenants or majors.

2 A. I'm sorry. Was that a question?

3 Q. Yes. Any other --

4 A. They would.

5 Q. -- examples of events or actions that
6 were taken.

7 A. This happened over a long period of
8 time, so there are a lot of things. So I can't,
9 you know, sit and tell you every single thing. We
10 don't have time for that. But those are some
11 examples of it.

12 Q. It says, "Before he took over the
13 Department was temporary commanded by two
14 Caucasian sergeants." That would be Rike and
15 Reboulet?

16 A. Yes.

17 Q. "This temporary authority gave the
18 sergeants exposure to additional power and control
19 they did not want to relinquish to a woman once
20 Lieutenant Hill took over the division."

21 What's your basis for saying they
22 didn't want to relinquish it to you?

23 A. They never acknowledged that I was the
24 commander. They -- everything stayed like it was.
25 And I talked to Ecton about it and told him,

1 because he would do the same thing. He would send
2 an e-mail and he would send it to me, Rike, and
3 Reboulet. And I said Major, you can't do that
4 because I need to establish myself as the
5 commander. Whatever information you have, send it
6 to me and then I'll let them know. But even, you
7 know, even when I got different sergeants, he
8 still continued to do the same thing. So I was
9 never able to really establish myself as a
10 commander. But once again, that's just an
11 example.

12 Q. You don't believe that Sergeants Rike
13 and Reboulet wanted to relinquish the control over
14 that department before you came in terms of being
15 a commander?

16 A. Mr. Bazelak, you're a white male. That
17 is -- it's your world, and we know how it is with
18 power, men, testosterone, ego. All those things
19 go together. They had never had a black or female
20 commander. You've been in charge for 15 months
21 and then you get me. I mean, it's just, you
22 know -- you all know that's natural. That's a
23 natural tendency. We all know that.

24 Q. Okay. So we're going to get
25 to -- there's an e-mail dated September 8th, 2015.

1 Before September 8th, 2015, had you
2 complained to anybody, any superior of yours
3 within the police department about any type of
4 treatment that you received?

5 A. Yes.

6 Q. Who?

7 A. Chief and Ecton.

8 Q. When did you complain to them before
9 September 2015?

10 A. I had a meeting with Chief. I believe
11 it was December or January. No, it must have been
12 December of 2014. No. Yeah, 2014. And I told
13 him about some things that were going on there.

14 Q. What did you tell him?

15 A. Yeah. I don't remember specifically,
16 but I do remember telling him that their next
17 commander, they shouldn't have a long gap between
18 the time that I leave and another commander comes
19 in, that it should happen fairly soon so that we
20 avoid that power struggle there. So he knew about
21 it.

22 Further, he also knew that I had a
23 problem that Chabali was an issue, too. And I
24 talked to him about Chabali in that meeting that I
25 had there, too, but it was the Friday before

1 Mother's Day of 2014 that there was a big blowup
2 with me and Ecton over investigations and Chabali
3 and -- because the standards for me were set high,
4 and I could never understand why I had Chabali,
5 who had never been a PSB commander, Ecton, who had
6 never been a PSB commander, and these people
7 telling me when -- that I should have certain
8 things done at a certain time, but they never sat
9 in my seat. I never understood that. How can you
10 tell me? How can you say this should be done at a
11 certain time? That didn't make sense to me.

12 So we had a big blowup and I told him
13 to assign me -- tell the Chief to assign me
14 somewhere else. That was the Friday before
15 Mother's day in 2014.

16 We ended up talking the following day,
17 that Saturday, and he said Chief was not going to
18 reassign me. And -- oh, and I was also supposed
19 to start training that Monday, because I hadn't
20 had training for internal affairs yet, and then I
21 had to go to training. So that's why I stayed.

22 But they knew that I was having
23 problems internally and with -- at least with
24 Chabali.

25 Q. So you asked to be reassigned from PSB

1 even before you were trained?

2 A. Yes, because I was having problems with
3 them ever since I got there, and nobody was
4 listening to me.

5 - - - - -

6 Thereupon, Deposition Exhibit P is
7 marked for purposes of identification.

8 - - - - -

9 Q. Showing you what's been marked as
10 Defendant's Exhibit P. Is this the e-mail that
11 you're referencing in paragraph 18 of your
12 complaint dated September 8, 2015?

13 A. Yes.

14 Q. You used the words "vehement
15 opposition" in the e-mail. What was your basis
16 for saying that you had received "vehement
17 opposition"? Have we already talked about those
18 things, or is there something else?

19 A. Yeah, I talked to him about it.

20 Q. Have we discussed that in this
21 deposition, also, that "vehement opposition," or
22 are there other things that you're referring to in
23 terms of the "vehement opposition"?

24 A. Yeah, we've discussed some of it here,
25 but there's just so much of it because it occurred

1 over such a long period of time, so, you know,
2 like I said, if I discussed every single thing,
3 we'd be here for a year.

4 Q. Well, I'm interested in anything that
5 you believe created a hostile work environment
6 that was so significant to you that it affected
7 you in terms of your job or so severe that it
8 was -- it was a hostile work environment for you.
9 That's what I'm interested in.

10 A. That it continued for such a long time
11 and nobody did anything, just the constant -- like
12 I said, the hatefulness and whining, you know. I
13 would send something -- as a matter of fact, I
14 stopped sending things through me. I would send
15 them back through the white male sergeants,
16 because if there was something that needed to be
17 corrected, they were okay if it went to the white
18 male sergeants.

19 But the bottom line is if I sent it
20 back to them, that was the issue. That's when I
21 would get, you know, well, there's nothing wrong
22 with it, I'm not going to change it, or whatever.
23 And that's what I told here. Until that time I
24 would no longer make recommendations for change or
25 review any investigations, because if I review

1 them and find things that are incorrect, you know,
2 then I'd get people wanting to crucify me, you
3 know. I was done.

4 Q. Okay. So in this e-mail, you sent it
5 to Ecton and Biehl, correct?

6 A. Yes.

7 Q. And did you have any conversations with
8 them about the e-mail?

9 A. No.

10 Q. It says here that you "requested an
11 outside agency to perform an audit," correct?
12 What were you referring to in terms of an audit
13 and that -- the processes in PSB?

14 A. As far as the investigations, there was
15 no oversight. Chief or the majors could basically
16 do whatever it is they wanted to do. And we had
17 them sending in -- we would know that there was a
18 violation in one district or one division and the
19 same violation in another division. The person in
20 this division would get nothing, the person in
21 this division would receive discipline. And there
22 had to be some person or some entity that could
23 say this is -- this is happening and it shouldn't
24 be, and we were the ones to bring that to their
25 attention. But, you know, every time I did, there

1 was a -- there was an issue, so --

2 Q. Okay. There's another issue that you
3 had that you put in your complaint about citizen
4 complaints or complaint receipts. Do you recall
5 that?

6 A. Could be.

7 Q. Well, it's in your complaint.

8 A. Okay.

9 Q. It says January 7th, 2015, e-mail to
10 Major Johns. Do you recall that one?

11 A. I'd have to see it.

12 - - - - -

13 Thereupon, Deposition Exhibit Q is
14 marked for purposes of identification.

15 - - - - -

16 Q. Showing you what's been marked as
17 Defendant's Exhibit Q, e-mail from you regarding
18 complaint receipts. Do you recall that one?

19 A. Oh, yeah. Yes, I do.

20 Q. And you were -- in your complaint you
21 say that you pointed out several problems with the
22 complaint receipt and recommended additional
23 investigation, and that Major Johns and other
24 sergeants treated you with hostility and
25 retaliation for you reporting the problems on

1 complaint receipts.

2 What is your basis for that allegation?

3 A. They eventually did a full
4 investigation on this one.

5 Q. On which one?

6 A. On this particular complaint they made
7 a full investigation as opposed to a complaint
8 receipt. But I had to go back and forth. This is
9 not the only part of it. It's got two or three
10 pages, so --

11 Q. Okay. Again, it's in your complaint
12 here about pointing out problems, recommending
13 additional investigation, and you being treated
14 with hostility in retaliation for reporting
15 problems.

16 Tell me what the -- tell me what you're
17 talking about there.

18 A. They just did what they wanted to do.
19 Sometimes they would change them. Sometimes they
20 wouldn't if it came from me. Now, if they came
21 from a white male sergeant, they did. They made
22 the changes.

23 Q. Going to paragraph 22, it says that you
24 applied for a promotion for major in the spring of
25 16. We talked about that. You were not promoted

1 to the position. You said you were the most
2 qualified for the promotion and had the most
3 seniority of all lieutenants that applied for the
4 position.

5 First question is do you believe
6 Lieutenant Stiver and Henderson were qualified for
7 the position as well?

8 A. I believe they could do the job, and
9 I'm not the only one who could do the job.
10 Anybody could do the job, really --

11 Q. Okay.

12 A. -- any of the lieutenants.

13 Q. All right. And then we talked about
14 the seniority issue before, but you do understand
15 that the major position is not a seniority
16 position within the City of Dayton?

17 A. Yes. I understand that.

18 Q. All right. And to be fair, I mean,
19 you're just saying that that's how it was done in
20 the past, but there's no requirement to use
21 seniority when determining who to pick as a major
22 within the Dayton Police Department. Do you agree
23 with that?

24 A. There's no requirement --

25 Q. Right.

1 A. -- but that's how it had been done
2 previously when they were all white males until it
3 got to me, and then the process changed.

4 Q. All right. And then with regard to you
5 having the most seniority of all the lieutenants,
6 again, we talked about that where you had maybe a
7 year or so more time as a lieutenant than
8 Henderson and Stiver had as a lieutenant, correct,
9 just in terms of --

10 A. Not only in terms of seniority, but in
11 terms of experience, in terms of successes in
12 solving difficult problems, I had more seniority
13 than them. I mean, I had more experience than
14 them.

15 Q. All right. Do you have any basis for
16 saying your qualifications and your experience
17 were not considered by Ms. Dickstein?

18 A. I don't know what she was thinking. I
19 have no idea. I haven't talked to her.

20 Q. Well, your complaint says that the only
21 logical conclusion is that your qualifications and
22 seniority were not considered in the process.

23 A. Well, that is a logical conclusion.

24 Q. But you have no idea of what
25 qualifications you had or experience you had,

1 whether that was considered by the decisionmaker,
2 the City manager?

3 A. No. I don't know. It doesn't appear
4 to have been.

5 Q. And what is your basis to say that it's
6 your reasonable belief that race and sex and your
7 desire to make changes to the racist tactics of
8 the City of Dayton were the driving factors in
9 Ms. Dickstein to not promote you?

10 A. Because I challenged the system, and I
11 didn't know I wasn't supposed to. I thought I was
12 here to protect the City and protect the Chief,
13 you know. I thought it was -- I was supposed to
14 protect us from liability and bring things forward
15 and say I think we could do things differently
16 this way so it would be better, because I know
17 Chief doesn't -- I mean, there's no way he can
18 know everything. He just can't. That's why you
19 have people in positions that can bring things to
20 you and let you know. I see this as, you know,
21 this is a potential pitfall for this, and we need
22 to shore it up so that we don't have issues.

23 Q. Do you have any evidence to show that
24 your race or your sex or your desire to make
25 changes to the Department were the driving factors

1 in the decision as opposed to your qualifications?

2 A. Because I feel that I was the most

3 qualified. I had the most experience. Everybody

4 else is a white male, or white or male. Nobody

5 else is a black female. I'm not part of the in

6 group. I'm part of the out group. And everybody

7 likes the like minds, and we all sit around the

8 table and, you know, we co-sign each other on

9 everything, but then you get somebody there who's

10 different who may not co-sign.

11 That's why I said I wasn't there

12 to -- I'm not there to be a token, to be a bobble

13 head. That's not me. So that's what makes me

14 think that yes, their decisions were based on race

15 and gender, because if he wanted to -- like he

16 said in -- we had one meeting with OCRC. The

17 Chief said well, I now had diversity. So then

18 he -- this is when he came up with this bright

19 idea to have this assessment center, which the

20 assessment center in and of it itself is okay. I

21 don't have a problem with the assessment center,

22 you know. I don't have a problem with the scores.

23 That's what -- you score what you score. I don't

24 think that the people scoring at the assessment

25 center were racist in any way. It's just an

1 assessment center.

2 But where Chief lied is when he said
3 that he now had diversity. He had diversity in
4 2012. I was a lieutenant. Stiver was a
5 lieutenant. Henderson was a lieutenant. We were
6 all lieutenants in 2012. But he didn't go through
7 the assessment center process, so that's a lie.

8 Q. What's the lie? I'm not understanding
9 that. What's the lie?

10 A. Okay. He said in the meeting with OCRC
11 that in 2016 I now have diversity. So he now
12 implements this assessment center. He didn't just
13 get diversity in 2016. He had diversity in 2012.
14 The same people who were lieutenants in '16 were
15 lieutenants in 2012. He didn't implement an
16 assessment center in 2012. He implemented it in
17 2016.

18 Q. Well, he implemented it in 2015 with
19 the --

20 A. Right.

21 Q. -- Ecton/Carper appointments.

22 A. That wasn't for a major position. That
23 was for the deputy chief. So either way it wasn't
24 implemented in 2012 when he still had the same
25 people on the list.

1 Q. The assessment center exercise was not
2 the first time it was used with regard to your
3 major position.

4 A. But it was the time it was used for --

5 Q. Just answer my question. Yes?

6 A. What was your question? I'm sorry.

7 Q. The assessment center exercise was not
8 used for the first time in your process to apply
9 for the major position. It had been used before
10 for the deputy director position, correct?

11 A. It was the first time it was used for
12 the major's position. It had been used for the
13 deputy chief position --

14 Q. Right.

15 A. -- when the senior major was African-
16 American. So that's -- that's very telling for
17 me.

18 Q. And you don't know for sure, but you
19 think it may have been used before in civil
20 service positions in the sergeants?

21 A. In the lieutenants. I know it was in
22 the lieutenants.

23 Q. When was that?

24 A. That was in 2003.

25 Q. So it had been used before?

1 A. Yes.

2 Q. And, again, I'm still not getting the
3 diversity. You say he lied. I'm not getting a
4 lie. Where are you -- you're using?

5 A. I understand.

6 Q. That's a strong word. What's the --

7 A. I understand, Mr. Bazelak. I
8 understand you don't --

9 Q. No, I don't understand the lie. I can
10 understand lies if you tell me what you're saying.

11 A. I'll try it a different way so you can
12 understand what I'm saying. Did you --

13 MS. BROWN: I get it.

14 A. He said in 2016 he now had diversity
15 amongst the lieutenants, so he implemented this
16 assessment center because oh, now I have
17 diversity.

18 He had diversity in 2012. He didn't
19 realize what he was saying. He had the same
20 people in 2016 who were lieutenants were the same
21 people in 2012 who were lieutenants, too. So he
22 had diversity in 2012. He didn't implement an
23 assessment center system then. He went according
24 to seniority, because all the senior ones were
25 white male until it got to me. Now all of a

1 sudden -- for the major's position. Now all of a
2 sudden I have diversity. I was a lieutenant.
3 Stiver was a lieutenant. Henderson was a
4 lieutenant all in 2012.

5 Q. All right. Anyway, that's all based on
6 something that you heard him say in a meeting in
7 the Ohio Civil Rights Commission?

8 A. Yes.

9 Q. All right.

10 A. And it's something that actually
11 occurred.

12 Q. Let's talk about your performance
13 evaluations. You didn't get one in 2015, right?

14 A. Right.

15 Q. And the person that would have done
16 that would have been Ecton?

17 A. Yes.

18 Q. And then the one for 2014, you had an
19 exceeds or meets expectation reviews in each
20 category on your evaluation?

21 A. Yes.

22 Q. All right. And then in 2014 there was
23 an indication on your performance evaluation that
24 your development had been slowed because you were
25 attending the Certified Law Enforcement Executives

1 Program, or CLEEP.

2 A. That's what he put.

3 Q. Right. That's what your evaluation
4 was.

5 A. Right.

6 Q. And that he anticipated in 2015 that
7 you'd have more exceeds standard ratings.

8 A. I think that's what he put.

9 Q. All right. We talked about that.

10 I don't know, but in paragraphs 28
11 through 32 you talk about Ecton's promotion and
12 the assessment center that was used to promote
13 Ecton and Carper, and I guess I'm -- I guess I'll
14 just ask what that has to do with your case.

15 A. Same thing. That wasn't implemented
16 until you now have a black male who's up
17 for -- who could be promoted, and he implemented
18 the assessment center process.

19 Prior to that he selected Chabali for
20 the deputy chief. Chabali, who considers himself
21 white. I think he's actually -- I think he's
22 actually Cuban but he considers himself a white
23 male. He had been a major for maybe a year, maybe
24 year and a half, and Ecton had been a major for
25 12, 13, 14 years or so, and he selected Chabali.

1 There was no assessment center.

2 So then he wanted to -- later on, after
3 Chabali was leaving, he needed to fill that
4 position again, and he wanted Carper because
5 Carper and Chabali are best buddies. So he wanted
6 to fill that -- and they had the Chief's ear. And
7 we all know how that works, how politics works.
8 It's everywhere. So they've got his ear now.

9 And he wanted Carper over Ecton, so
10 then he decided to once again implement this
11 assessment center when it came down to now there's
12 this African-American that he already skipped over
13 once, so now he's going to introduce this
14 assessment center again. He's got him again.

15 Q. And he was promoted.

16 A. He was promoted, yes.

17 Q. Okay. And then you have Major Johns
18 was appointed to lieutenant colonel along with
19 Colonel Ecton. That's a mistake, right?

20 A. That's a mistake.

21 Q. It should say major -- should say
22 Carper.

23 A. Carper, yes.

24 Q. So what is your basis for saying that
25 the promotion of Major Carper, it says Johns but

1 it should be Carper in paragraph 32, was
2 implemented to usurp authority from
3 Lieutenant Ecton?

4 A. It was because historically
5 African-Americans in law enforcement -- and all
6 the research, the research is there. It's
7 difficult to put an African-American over someone
8 who's white, and when they do, they typically, you
9 know, reduce your power. That's politically --
10 it's in the research. I can show it to you.

11 Q. But if you had some intent to exclude
12 African-American applicants through the use of an
13 assessment center process, you would think you
14 would not promote the African-American after the
15 use of the assessment center. In this case, the
16 African-American was promoted to the position
17 after the assessment center, right? Colonel Ecton
18 was promoted.

19 A. He was promoted, but he wasn't number
20 one.

21 Q. Okay. Next it says that you -- again,
22 I'm going to go over this, and if you know, you
23 know. If you don't, you don't. But we went
24 through a bunch of documents before and it says on
25 May 18th, 2017, you received a letter of

1 determination from OCRC finding that there was
2 enough evidence to show charging party was
3 subjected to discrimination based upon membership
4 in a protected class."

5 That was for the other charge, not the
6 May 10th charge. We've established that, right?

7 A. Okay.

8 Q. All right. And for that one you have
9 not filed a federal lawsuit, correct?

10 A. I didn't realize that I'd
11 received -- that their ruling was only for one. I
12 thought it was -- since the complaints are the
13 same, I thought it was for the same thing.

14 Q. Okay. You have filed a lawsuit after
15 you received a right-to-sue letter, which is
16 paragraph 36 in your complaint with regard to the
17 May 10th, 2016, charge, correct?

18 A. Okay.

19 Q. All right. Can you tell me any
20 evidence that you have or actions that you believe
21 were in retaliation for you engaging in legal acts
22 or filing claims or anything like that, for filing
23 the charge, anything that you believe you were
24 retaliated against?

25 A. One example, I believe that

1 Chief -- after one complaint, the last complaint
2 when -- I think it was the end of September when I
3 just couldn't take any more, after an e-mail that
4 I sent I think Chief changed the way e-mails went
5 out, because we no longer got information that we
6 normally got. They were mostly just
7 informational-type things for just advertisements,
8 you know, for cultural works and stuff like that,
9 but no police business.

10 And then just the attitude changed, and
11 when he came over for a meeting I think it was
12 October 2nd he mentioned -- that was after that
13 e-mail that I sent to Reboulet that showed
14 how -- when I told Chief finally this is what's
15 been happening to me all along, I think it made
16 him mad and he came over, and he had a meeting --
17 oh, thanks. He had a meeting with me and the
18 sergeants and the department advocate and Ecton,
19 and he said that he gave the majors latitude in
20 how they wanted to do the investigations.

21 And then he said -- and then I -- we
22 must have had some conversation about
23 education-based discipline, which is something
24 that I wanted to implement. It was my capstone
25 project. And when I told him that I wanted to

1 prepare the PowerPoint because it was my project,
2 he just rolled his eyes up in his head like that
3 and --

4 Q. When you say, "he," you're referring to
5 Chief?

6 A. Yes. And so he was exasperated and
7 he -- basically he just, you know -- I knew that I
8 had no support.

9 Q. What e-mail are you referring to with
10 regard to Reboulet?

11 A. It was signed and dated September 28th.

12 Q. Of?

13 A. 2015.

14 Q. Referencing what?

15 A. There was some -- a media request for
16 information. And I had told Reboulet to do it.
17 There's a certain way -- I instructed him to do it
18 a certain way, to prepare the information, to put
19 certain information in it. And he didn't do that,
20 and he sent the information to the media without
21 preparing it the way I had instructed him, and
22 somehow -- and I told him to just go ahead and
23 send it. When he was finished making the
24 corrections, to go ahead and send it to Chief and
25 whatever media outlet it was.

1 And he didn't put the information in it
2 that I wanted him to put, so Chief got ahold of
3 it, because he sent it to Chief, too, and then
4 Chief goes through and says something like, you
5 know, we need to have a conversation about this
6 and we need to bring it up in a staff meeting,
7 because he wanted -- the things I specifically
8 told Reboulet to put in it is what Chief wanted,
9 and he didn't do that.

10 And so my response was this is what I
11 have been telling Chief and Ecton had done that to
12 me all along, and he basically ignored it again.
13 So instead of making changes that needed to be
14 made, he just started changing the way -- he told
15 us don't send any more e-mails out. If you have
16 something you want me to know, pick up the phone
17 and call me. So -- because now I think he no
18 longer wanted any paper trails, so -- and that's
19 when he decided sending, you know, just little
20 advertisement-type stuff to us.

21 Q. You have not been given any type of pay
22 reduction, not been demoted in any fashion or
23 given any type of punishment or anything that you
24 believe is retaliation for anything you've done,
25 have you?

1 A. No. I've not had a reduction in pay or
2 rank or anything. But my current assignment just
3 has me working by myself, and they're just, you
4 know -- I just have little dinky paper things to
5 do, but nothing really meaningful to do.

6 Q. Well, we'll talk about that here in a
7 second. But I do want to give you another final
8 chance to tell me -- I mean, we've talked about
9 the promotion decision, and I just want to give
10 you another chance to tell me any other actions
11 that you're aware of as you sit here today that
12 you believe constitute either retaliation or acts
13 that rise to the level of creating a hostile work
14 environment for you in the workplace other than
15 what we've talked about. And you've gone over
16 several things, but I want to -- anything else?

17 A. I'm sure there are specific things, but
18 just being left out and being -- to me is being
19 ostracized, and being treated as though I'm not
20 believed or that what I told them wasn't
21 important.

22 Q. One of the things that you put in the
23 retaliation section was being denied training.
24 Have you been denied training?

25 A. In 2017 I requested to go to Harvard

1 Kennedy school, and Ecton initially approved it,
2 and then it was later denied because they said due
3 to the cost it had to go through the City
4 manager's office. And then it was later denied.
5 So I don't know if it ever made it to the City
6 manager's office or if he was just -- if he just
7 changed his mind or Chief changed his mind. I
8 don't know --

9 Q. Anybody else --

10 A. -- but at the same --

11 Q. -- go to that?

12 A. Mark Hess went as a lieutenant.

13 Q. Right. But during the time that you
14 requested, did anybody else get to attend that
15 training?

16 A. Nobody else, to my knowledge, put in
17 for it --

18 Q. Okay.

19 A. -- but they would -- Joe Wiesman went
20 to the FBI academy, and so did Eric Henderson,
21 since I put in my request to go to Harvard
22 Kennedy. Plus chief told us in a meeting that
23 that was one of the places we could go for
24 professional development, but then when it came to
25 me asking for it, then it was denied.

1 And getting back --

2 Q. There was another major promotion that
3 occurred after you were appointed major, or after
4 you applied for major, correct?

5 A. Right.

6 Q. Stiver and Henderson became major and
7 then later on Wiesman.

8 A. Yes.

9 Q. Lieutenant Wiesman was appointed major.

10 A. Yes.

11 Q. Do you know when that occurred?

12 A. I'm not sure.

13 Q. Okay. You did not apply for that major
14 position at the time, correct?

15 A. We never had another assessment center.
16 I'm assuming they took it from that list.

17 Q. Right. But my question is did you
18 apply for the position?

19 A. There was never an application process.

20 Q. And you haven't filed any other charge
21 with the Civil Rights Commission from the date of
22 that promotion, have you?

23 A. No.

24 Q. Okay. You were transferred in 2018, I
25 believe, to the inspections and audits position.

1 A. Yes.

2 Q. All right. And that was after you had
3 received some disciplinary charges.

4 A. I received charges, yes, but no
5 discipline.

6 Q. Right. And the charges stemmed from
7 your failure to timely complete findings in the
8 professional standards bureau, true?

9 A. Yes.

10 Q. And I think there were three cases at
11 least that were put in the disciplinary charges.
12 Do you remember that?

13 A. There was three, but those weren't the
14 only ones.

15 Q. Okay. And as I understand it, your
16 response to the charges, to command staff or the
17 people doing the investigation, was that you had
18 been under some mental distress, emotional
19 distress, post-traumatic stress disorder, and that
20 that's the reason you couldn't complete the
21 findings; is that fair?

22 A. As a result of what I experienced at
23 work.

24 Q. Okay. Regardless of whether it was
25 because of that or any other reason, that's

1 what -- that's what you said?

2 A. But that is important, because that's
3 the only way -- how else would I have -- I mean, I
4 was normal before. I wasn't sick before.

5 Q. All right. But you acknowledge that
6 you were not performing the job that you were
7 supposed to perform as commander.

8 A. But they kept the same person --

9 Q. Yes, you were not getting the findings
10 done. You did not get the findings done, true?

11 A. Right. Yes.

12 Q. And you gave them a reason, and that
13 reason resulted in the City engaging with you in
14 terms of a potential transfer based upon your
15 mental condition.

16 A. No.

17 Q. Well --

18 A. I filled out paperwork.

19 Q. You went to a physician?

20 A. Yes.

21 Q. And the physician did a report to the
22 City --

23 A. Yes.

24 Q. -- about your emotional condition?

25 A. Yes.

1 Q. And, as a result, as a result of that,
2 though, the City determined that it was best for
3 you to transfer out of the PSB and into another
4 position --

5 A. Right.

6 Q. -- due to those things that you were
7 experiencing --

8 A. Yes.

9 Q. -- regardless of whether they were
10 because of everything that was done to you or at
11 workplace or other reasons, that's why they did
12 it. Do you agree with that?

13 MS. BROWN: Objection.

14 Q. Because of you mental condition or your
15 inability to do the job at PSB because of those
16 conditions, that's why you were transferred out?

17 A. That's what they said.

18 Q. And --

19 A. I kept asking them when Rike was going
20 to leave PSB. I kept asking Ecton and he never
21 gave me an answer. But after he left, my
22 condition improved.

23 Q. All right. Let's talk about that. Are
24 you taking any type of medication for any type of
25 emotional distress --

1 A. Yes.

2 Q. -- currently? What are you taking?

3 THE WITNESS: Do I have to answer that?

4 MS. BROWN: I mean, if it's related to
5 damages from here, then yes.

6 A. I'm taking Zoloft and -- oh, there's
7 another one. I can't think of the name of it.

8 Q. Is the other medication like an
9 antidepressant, anti --

10 A. They both are.

11 Q. Both antidepressants?

12 A. I think they are, yeah. And I also
13 take Ativan.

14 Q. Okay. Who prescribes these medications
15 for you?

16 A. The doctor, psychiatrist.

17 Q. Who?

18 A. Dr. Onady.

19 Q. Can you spell that?

20 A. O-n-a-d-y, Alice.

21 Q. And who is Dr. Onady?

22 A. My psychiatrist.

23 Q. And how long have you been treating
24 with Dr. Onady?

25 A. I want to say March of maybe 2017, I

1 think.

2 Q. Okay. Have you ever before March 17
3 made any complaints to any medical care provider
4 about emotional issues, mental distress, those
5 type of things? Yes? When?

6 A. I complained to my family doctor.

7 Q. Who is your family doctor?

8 A. Dr. Kimberly Bethel.

9 Q. Kimberly?

10 A. Bethel.

11 Q. Bethel, B-e --

12 A. B-e-t-h-e-l.

13 Q. -- t-h-e-l?

14 A. Because I had some physical problems
15 that I believe were stress related.

16 Q. Okay. What physical problems?

17 A. Just my ankles swelling and
18 primarily -- and then I did see a psychologist. I
19 don't know her -- I don't remember her name. I
20 saw her before I went to talk to Dr. Onady, but
21 she didn't prescribe me any medication.

22 Q. Can you provide the name of that
23 psychologist, go back and look in your records and
24 provide the name of the psychologist that you saw
25 before Dr. Onady?

1 A. Giovanni, G-i-o-v-a-n-n-i, Bonds is the
2 last name, B-o-n-d-s.

3 Q. B-o-n-d-s? And that was a
4 psychologist?

5 A. Yes.

6 Q. And when did you treat with Dr. Bonds?

7 A. I think it was January 2016 through
8 September or October of 2016. Oh, and I think I
9 actually went to Dr. Onady in December of 2016,
10 and I didn't tell her --

11 Q. Okay. Any other complaints to medical
12 care providers about mental health issues?

13 When was the first time you complained
14 to Dr. Bethel, your family doctor, about problems?
15 And I'm not talking about problems related to work
16 or anything. I'm talking about any mental health
17 issues that you would have had in the past.

18 A. No. That was --

19 Q. Anxiety, depression, post-traumatic
20 stress disorder, anything in the past that you've
21 complained of to any doctor, that's what I'm
22 asking.

23 A. That was -- that was -- I talked to her
24 about that, and that was the only time. I think
25 it might have been 2015 maybe. I'd have to go

1 back through and look at my records. And I just
2 talked to her about what was going on, but she
3 only treated my swelling.

4 Q. Okay. What hospital would you go to if
5 you had any physical ailments?

6 A. Probably Miami Valley.

7 Q. Have you talked to anybody at Miami
8 Valley Hospital about any mental stress --

9 A. No.

10 Q. -- depression, anxiety, anything like
11 that?

12 A. No.

13 Q. Have you had any stressful events that
14 occurred in your life in the last several years
15 that have caused you to have emotional distress?

16 A. Other than my sister dying nine years
17 ago. She was a police officer. She had breast
18 cancer.

19 MS. BROWN: Can we take a break for a
20 second?

21 MR. BAZELAK: Sure.

22 MS. BROWN: Let's take a break.

23 MR. BAZELAK: We're about done, too.

24 (A recess was taken.)

25 MR. BAZELAK: Back on the record.

1 Q. I just want to, again, find out any
2 kind of treatment that you've had for stress,
3 depression, anxiety, anything like that.

4 A. Prior to this?

5 Q. Prior to this.

6 A. I've had major life events like my
7 mom's death, my sister's death, because we're a
8 very tight-knit family, so --

9 Q. Yeah. I read that in the record. And
10 so you mentioned that your mom died in 2000, and
11 I've been through that and I know it's stressful,
12 and I just wanted to know if you had any type of
13 longstanding treatment or anything --

14 A. No.

15 Q. -- medications or anything to get
16 through your grief or any type of mental distress?

17 A. No.

18 MR. BAZELAK: Okay. So we'll get an
19 authorization to you for the doctors that she's
20 mentioned that she's treated with.

21 Q. Okay. Have you filed any type of
22 formal complaint of discrimination with -- ever
23 with the City, like the HR department --

24 A. No.

25 Q. -- or anybody in the police department?

1 A. No. This was -- this was just -- I
2 mean, I never -- I don't know. I didn't know what
3 to do.

4 Q. But the first formal complaint that you
5 filed alleging discrimination was when you filed
6 the charge with the Civil Rights Commission, true?

7 A. Right. Right. I've never experienced,
8 other than just, you know, general people things,
9 you know. I have a good relationship with my
10 peers, my subordinates, my bosses.

11 And that's why this was such a
12 traumatic thing for me, to have reports that I'd
13 been followed, that people -- that Rike and
14 Reboulet followed me when I wasn't in the office,
15 that they passed my house, that they would call
16 Carper.

17 Q. Who told you that?

18 A. One of my detectives said he heard.

19 Q. Who's that?

20 A. Dennis Murphy.

21 Q. Dennis Murphy told you, but he said he
22 had heard? He didn't have any knowledge of it?

23 A. He said he heard Rike on the phone with
24 Carper telling him that I wasn't in the office and
25 that he would tell Reboulet come on, let's take a

1 right around on Hawthorn Street. That's where I
2 live.

3 Q. Is it not fair to say that you were out
4 of the office quite a bit?

5 A. I cried every single day going to the
6 office --

7 Q. But you --

8 A. -- and I felt better when I wasn't
9 there because I was afraid.

10 Q. But you were out of the office quite a
11 bit; is that fair?

12 A. I would go sit down -- I'd just go sit
13 in my car sometimes.

14 Q. Okay. I mean, is it also fair to say
15 that because of whatever, you know, you were
16 experiencing that you were kind of distant at
17 times with people that you worked with; is that
18 fair?

19 A. I wasn't distant. They created it.
20 They created the atmosphere. I kept my door
21 closed sometimes because I was afraid, but it's
22 weird, because I don't think anybody was going to
23 hurt me, because we all had guns, but I was
24 afraid. So I would keep my door closed sometimes.
25 And I was afraid to stay home by myself because

1 they were passing my house, and even -- I even
2 thought that they were -- somebody was tapping
3 into my computer.

4 Q. You ever uncover any evidence of that?

5 A. No. Just weird things would happen,
6 and there would be police cruisers that would pass
7 by my house. I was going to take my trash out one
8 night and there's an alley behind my house and
9 when I raised my garage door, this cruiser just
10 went flying by.

11 And I don't live on a main street. I
12 live -- you have to come into the neighborhood in
13 order to pass my house. So you have to be coming
14 there deliberately. I mean, you're not going to
15 just -- you can't just pass by and say oh, she's
16 at home. You're coming there specifically to
17 check on me. My niece lives with me now because I
18 still don't feel safe, because they had no
19 business following me anywhere.

20 Q. You correct me if I'm wrong, but my
21 understanding is that you had, for the most part,
22 a professional, cordial workmanlike relationship
23 with Sergeant Rike and Reboulet for the most part.
24 You got along. You were -- exchanged pleasantries
25 in the office. There was no, like, fights or

1 tension or anything like that.

2 A. Oh, yeah. It was there.

3 Q. I'm sorry?

4 A. It was there.

5 Q. Okay. But you agree with my
6 assessment?

7 A. We didn't have --

8 Q. And we've talked about all the things
9 that you said were there and that you felt, but
10 for the most part, it was fairly cordial,
11 appropriate workplace interactions; is that fair?

12 A. Everything was covert.

13 Q. Right. But answer my question. Was
14 that -- was that --

15 A. We weren't -- I mean, I'm the
16 commander. I was the commander --

17 Q. Right.

18 A. -- and I'm a professional. So, I mean,
19 we're not people who are in the streets fighting
20 and cussing and clowning and carrying on. That's
21 just not who we are. It's not who I am. I had a
22 responsibility for everybody there so that we
23 could get the work done, so I kept it as -- as
24 cordial as I needed to for my investigators,
25 because I still had -- I still had them to worry

1 about, even though they knew what was going on,
2 because I didn't keep it from Daryl or Murphy or
3 Krista. They knew there was -- and then they
4 could see it, but I had to make it -- because I
5 was the commander and it was my responsibility so
6 we could get our work done.

7 Q. You've never filed for any type of
8 disability claim?

9 A. No.

10 Q. You ever filed a lawsuit before this
11 one?

12 A. No.

13 Q. Ever filed for a Workers' Compensation
14 claim?

15 A. No.

16 Q. Have you kept any type of diary or
17 notes or anything about things that you've
18 experienced or interactions that you've had or --

19 A. Periodically --

20 Q. Okay. And --

21 A. -- I talked to my -- my family and I
22 are very close and --

23 Q. Okay. If you have any notes
24 that -- any type of documentation of any of the
25 events that we've talked about that you've written

1 down, notes or a diary or anything, anything
2 that's not something that your attorney had you
3 prepare or something you've written to your
4 attorney, I'm not interested in that. On your own
5 as things were happening contemporaneously and you
6 wrote things down and you took notes, if you have
7 those, could you provide those to your attorney?
8 And I'd request a copy of those.

9 A. Okay. Okay.

10 Q. All right.

11 A. I don't have a lot, but I do have some.

12 Q. Okay. How are you doing now in your
13 current position?

14 A. I'm bored.

15 Q. Less stress?

16 A. I'm not really interested.

17 Q. Any problems in terms of what's going
18 on now in getting your job accomplished?

19 A. Well, I still have problems with my
20 focus and concentration, but -- it's better than
21 it was, but it's still there. I think taking a
22 class every now and then helps me.

23 Q. Your complaint says that the
24 discriminatory conduct of the City has caused you
25 to suffer lost pay, benefits and prestige.

1 The lost pay, that's only referring to
2 lost pay not being promoted to major?

3 A. Yes.

4 Q. Okay. And do you know what that
5 difference is in terms of the major pay versus
6 lieutenant pay?

7 A. I'm not sure what it is.

8 Q. Okay.

9 A. Offhand I'm not sure.
10 You asked me about some other
11 situations in which my -- I had a hostile
12 environment.

13 Q. Right.

14 A. Okay. There was a door that was right
15 next to my door and it led to the outside hallway.
16 I mean, there were like these two doors. They
17 were closer than these two doors. And Rike and
18 Reboulet would use that door next to my office
19 regularly to come in and out of, and it would
20 slam, bam, bam, bam, and I think it caused my
21 anxiety. And actually it was Rike, Reboulet, Doug
22 Hall, and Culham.

23 And what was weird was that I
24 started -- they did it so much during the course
25 of the day I started writing down how long they

1 would go out and come in and out, because the
2 men's bathroom was right across the hall, but
3 there was another door that they could come
4 through that was actually closer, but they would
5 come all the way around by my office and go out
6 and the door would slam, bam, bam. It was all
7 day.

8 Q. What kind of door was it?

9 A. Just a regular office door, and it had
10 the -- you know, the hinge that's on the top, but
11 we had to -- and it would -- I called -- I can't
12 remember who it was and who did building stuff,
13 and he sent some guys over to put some little
14 stoppers on it so that it would absorb the sound,
15 but it didn't help.

16 But the guys would come in and out that
17 door, Mr. Bazelak, and they would go into the
18 bathroom. Like I know once Scott Culham went over
19 there and he was over there for ten seconds and
20 then he'd be over there for like 18 seconds, 23
21 seconds. So they were just coming in and out of
22 that door constantly, bam, bam, bam, boom. And
23 then it rattled me because I was trying to focus
24 on my work. And finally, it was January 2017, I
25 told -- I sent Rike and Reboulet an e-mail and

1 told them and asked them to stop using that door.
2 But I had told Ecton about it and he didn't -- he
3 didn't do anything, because I don't think he
4 thought it was a big deal.

5 And we got new cars and I sent this
6 to -- I was so -- I was angry, because I was tired
7 of things, of just the disrespect. When Ecton
8 gave PSB two new cars, but the sergeants, he sent
9 them right to the sergeants and they distributed
10 the cars the way they wanted to. And I was
11 furious because it was just another example of how
12 I was disregarded on a regular basis, and
13 everybody -- because we have a paramilitary
14 organization and we use the chain of command, that
15 is how we remain organized. We don't go around
16 other people, other people in the chain and duck
17 business. That's not how that works, and he knows
18 it. And I think he was a lieutenant colonel at
19 that time.

20 So there are -- I mean, like I said, I
21 could talk forever about the things that I
22 experienced.

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24 Thereupon, Deposition Exhibit R is
25 marked for purposes of identification.

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Q. Showing you what's been marked as Defendant's Exhibit R. Is that what you're referring to in terms of the car issue? Does that reference the assignment of the vehicles?

A. Yes.

Q. Okay. And that is an e-mail from Lieutenant Colonel Ecton to you regarding the car issue?

A. Yes.

Q. And what does he -- he addresses that with you?

A. Yeah, but this is not how things are done, either. It wasn't his responsibility to distribute resources. That's part of my command.

And he says here that he "took a car from CPOD and" west pod "to give to two senior people in PSB because I thought they were deserving." It's not up to him. I work with them directly. He wasn't in there. He wasn't over there. I was. That's my responsibility.

Q. Okay. And with regard to Rike and Reboulet, though, it was Ecton that was the person that was deciding that they were going to get new vehicles, right?

1 A. And that's what I said. He goes around
2 me, and that's what I told him to do. I said
3 major, can't do that, because I need to establish
4 myself as the commander; never happened.

5 Q. And at that time, he's above you.

6 A. He always was.

7 Q. All right. Anything else that you
8 believe constituted a hostile work environment?

9 A. Those things happened on a regular
10 basis. It wasn't just once or twice. And the
11 noise period, just the noise outside my office.
12 They would stand there and just laugh and joke and
13 play, and it was disruptive to me.

14 MR. BAZELAK: Okay. I don't have any
15 further questions. I appreciate your time,
16 Lieutenant Hill.

17 THE WITNESS: Thank you.

18 MR. BAZELAK: Thank you.

19 MS. BROWN: And we'll read it.

20 (Signature not waived.)

21 - - - - -

22 Thereupon, the foregoing proceedings
23 concluded at 3:02 p.m.

24 - - - - -

25

I, Kimberly Annette Hill, do hereby
certify that the foregoing is a true and accurate
transcription of my testimony.

Dated _____

1 State of Ohio : C E R T I F I C A T E
2 County of Franklin : SS

3 I, Reva Chafin Mundy, a Notary Public
4 in and for the State of Ohio, do hereby certify
5 the within named Kimberly Annette Hill was by me
6 first duly sworn to testify to the whole truth in
7 the cause aforesaid; testimony then given was by
8 me reduced to stenotypy in the presence of said
9 witness, afterwards transcribed by me; the
10 foregoing is a true record of the testimony so
11 given; and this deposition was taken at the time
12 and place as specified on the title page.

13 I do further certify I am not a
14 relative, employee or attorney of any of the
15 parties hereto, and further I am not a relative or
16 employee of any attorney or counsel employed by
17 the parties hereto, or financially interested in
18 the action.

19 IN WITNESS WHEREOF, I have hereunto set
20 my hand and affixed my seal of office at Columbus,
21 Ohio, on this 3rd day of April, 2019.



22 *Reva Chafin Mundy*

23 REVA CHAFIN MUNDY, RPR, RMR, CRR
24 NOTARY PUBLIC, STATE OF OHIO

25 My commission expires on 06-23-2022.

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